Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Application by Verizon New England Inc.,	)	
Verizon Delaware Inc., Bell Atlantic	)	WC Docket No. 02 - 157
Communications, Inc. (d/b/a Verizon Long	)	
Distance), NYNEX Long Distance Company	)	
(d/b/a Verizon Enterprise Solutions), Verizon	)	
Global Networks Inc., and Verizon Select	)	
Services Inc., for Authorization To Provide	)	
In-Region, InterLATA Services in New	)	
Hampshire and Delaware	)	

MEMORANDUM OPINION AND ORDER

Adopted: September 25, 2002 **Released:** September 25, 2002

By the Commission: Chairman Powell issuing a statement; Commissioners Copps and Martin approving in part, concurring in part, and issuing separate statements.

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I. INTRODUCTION

1. On June 27, 2002, Verizon New England Inc., Verizon Delaware Inc., Bell Atlantic Communications, Inc. (d/b/a Verizon Long Distance), NYNEX Long Distance Company (d/b/a Verizon Enterprise Solutions), Verizon Global Networks Inc., and Verizon Select Services Inc. (Verizon), jointly filed this application pursuant to section 271 of the Communications Act of 1934, as amended,[1] for authority to provide in-region, interLATA services originating in the states of New Hampshire and Delaware. We grant the application in this Order based on our conclusion that Verizon has taken the statutorily-required steps to open its local exchange markets to competition in New Hampshire and Delaware.[2]

2. According to Verizon, competing carriers serve approximately 144,500 lines in New Hampshire and approximately 49,300 lines in Delaware using all three entry paths available

[1] We refer to the Communications Act of 1934, as amended by the Telecommunications Act of 1996 and other statutes, as the Communications Act, or the Act. *See* 47 U.S.C. §§ 151 *et. seq.* We refer to the Telecommunications Act of 1996 as the 1996 Act. *See* Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996).

[2] *See* 47 U.S.C. § 271.

under the Act (resale, unbundled network elements, and competitor-owned facilities).[3] Across each state, competitors serve approximately 34,000 lines in New Hampshire and approximately 13,400 lines in Delaware through resale. Competitors using unbundled network elements or their own facilities serve approximately 110,500 lines in New Hampshire and approximately 35,900 lines in Delaware.[4]

3. We wish to acknowledge the effort and dedication of the New Hampshire Public Utilities Commission (New Hampshire Commission) and the Delaware Public Service Commission (Delaware Commission) which have expended significant time and effort overseeing Verizon's implementation of the requirements of section 271 of the Act. By diligently and actively conducting proceedings to set UNE prices, to implement performance measures, to develop Performance Assurance Plans (PAPs), and to evaluate Verizon's compliance with section 271 of the Act, the New Hampshire and Delaware Commissions laid the necessary foundation for our review and approval. We are confident that the New Hampshire and Delaware Commissions' efforts, culminating in the grant of this application, will reward New Hampshire and Delaware consumers by making increased competition in all markets for telecommunications services possible in these states.

II. BACKGROUND

4. In the 1996 amendments to the Communications Act, Congress required that the Bell Operating Companies (BOCs) demonstrate compliance with certain market-opening requirements contained in section 271 of the Act before providing in-region, interLATA long distance service. Congress provided for Commission review of BOC applications to provide such service in consultation with the affected state and the Attorney General.[5] We rely heavily in our examination of this application on the work completed by the Delaware and New Hampshire Commissions as well as the U.S. Department of Justice.

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[3] *See* Verizon Application Appen. A, Vol. 5, Tab I, Declaration of John A. Torre (Verizon Torre Decl.) Attach. 1, 2 at paras. 3-4. As a percentage of total lines, competitive LECs serve approximately 7.7 percent of all lines in Verizon's service area in Delaware and 16.2 percent of all lines in Verizon's service area in New Hampshire. *See* Department of Justice Evaluation at 5, 8.

[4] *See* Verizon Torre Decl. Attach. 1, 2 at para. 4.

[5] The Commission has summarized the relevant statutory framework in prior orders. *See, e.g.*, *Joint Application by SBC Communications Inc., Southwestern Bell Tel. Co., and Southwestern Bell Communications Services, Inc., d/b/a Southwestern Bell Long Distance for Provision of In-Region, InterLATA Services in Kansas and Oklahoma*, CC Docket No. 00-217, Memorandum Opinion and Order, 16 FCC Rcd 6237, 6241-42, paras. 7-10 (2001) (*SWBT Kansas/Oklahoma Order); Application by Bell Atlantic New York for Authorization Under Section 271 of the Communications Act to Provide In-Region, InterLATA Service in the State of New York*, CC Docket No. 99-295, Memorandum Opinion and Order, 15 FCC Rcd 3953, 3961-63, paras. 17-20 (1999) (*Bell Atlantic New York Order*).

5. *New Hampshire*. On July 31, 2001, Verizon formally asked the New Hampshire Commission to consider whether Verizon is complying with the requirements of section 271.[6] The New Hampshire Commission opened a docket to consider Verizon's request, and conducted an evaluation of Verizon's compliance with section 271.[7] The New Hampshire Commission accepted comments, declarations, exhibits, and briefs from all interested parties. The New Hampshire Commission also appointed a facilitator who conducted an investigation that included extensive discovery, technical conferences, and five days of evidentiary hearings.[8]

6. On completion of its proceeding, the New Hampshire Commission sent a letter to Verizon expressing its conclusion that Verizon met the requirements needed for section 271 approval except for checklist items 1 (interconnection), 2 (unbundled network elements), 4 (unbundled local loops), 5 (unbundled local transport) and 13 (reciprocal compensation).[9] In that letter the New Hampshire Commission stated that its recommendation for Verizon's 271 approval in New Hampshire was conditioned on Verizon's taking several actions.[10] Verizon

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[6] *See Application by Verizon New England, Inc., Verizon Delaware Inc. et al., for Authorization to Provide In-Region, InterLATA Services in New Hampshire and Delaware*, WC Docket No. 02-157, Consultative Comments of the New Hampshire Public Utilities Commission on Verizon New Hampshire's Compliance with Section 271 of the Telecommunications Act of 1996 (New Hampshire Commission Comments) at 3.

[7] Specifically, the New Hampshire Commission initiated Docket No. DT 01-151. *Id.*

[8] *Id.* at 2-3.

[9] *See* Letter from New Hampshire Public Utilities Commission to J. Michael Hickey, President, Verizon New England Inc., d/b/a Verizon New Hampshire, DT 01-151 at 2 (filed March 1, 2002) (New Hampshire Commission March 1 Letter).

[10] *See id.* at 2-4. The New Hampshire Commission set forth the following conditions: (1) explicitly convert the existing statement of generally available terms and conditions (SGAT) into a competitive LEC tariff from which competitors may order anything contained in the SGAT without the need to negotiate or amend an interconnection agreement; (2) recalculate the rates in the competitive LEC tariff, using an 8.42 percent overall cost of capital, based on Verizon's current debt to equity ratio, Verizon's current cost of debt and 10 percent return on equity as used in New Jersey; (3) revise the SGAT and competitive LEC tariff to apply the unbundled local switching charge only once to a call that originates and terminates at the same switch; (4) revise the SGAT and competitive LEC tariff to clarify that UNE-P combinations commonly combined with Verizon to serve retail customers will be provided, as in Massachusetts, even if the particular loop and switch port affected by the competitive LEC order are not currently connected and have not previously been connected to each other; (5) create a competitive LEC-only intrastate special access tariff for DS-1 and DS-3 using UNE rates and SGAT terms and conditions and include a provision allowing competitive LECs to either connect a UNE to the special access or charge $1.00 for the special access until it is converted to a UNE; (6) create a category for customers that have critical needs (*i.e.*, fire, hospital, police), which identifies the end-user customers requiring continued phone service for purposes of public health and safety; (7) create a rapid response process similar to the process being developed by Maine that will address issues in dispute between Verizon and competitive LECs in an expedited manner; (8) convert all interim number portability to permanent number portability; (9) refund or recalculate disputed DC power bills that were rated using the intrastate SGAT rate in effect by operation of law prior to the Commission's final order on DC power (Order No. 23,915); and (10) require employees in contact with competitive LECs to identify themselves either using an employee identification number or first name and last name. *Id.*

agreed to comply with six out of the ten conditions subject to certain conditions and understandings.[11] With regard to the remaining conditions, Verizon believed, among other things, that it did not need to comply with the requested changes in order to obtain section 271 approval.[12] Verizon also suggested that the New Hampshire Commission adopt, without condition, Verizon's PAP when evaluating Verizon's section 271 application.[13] On May 24, 2002, the New Hampshire Commission completed an examination of Verizon-New Hampshire's proposed C2C guidelines and PAP, modeled on the performance enforcement mechanisms approved by the New York and Massachusetts Commissions.[14] On June 13, 2002, the New Hampshire Commission completed an expedited review of Verizon-New Hampshire's pricing of unbundled network elements.[15] In a letter dated June 14, 2002, after removing two conditions and accepting Verizon's proposed alternative approaches for the other two conditions, the New Hampshire Commission determined that Verizon had met the 14-point checklist and that its entrance into the interLATA toll market served the public interest.[16] In this proceeding, the New Hampshire Commission filed its consultative comments recommending that we approve Verizon's application subject to the conditions set forth in the New Hampshire June 14 Letter.[17]

7. *Delaware*. Beginning in 1997, the Delaware Commission conducted a series of pricing proceedings to set the rates for unbundled network elements.[18] In addition, on June 25,

[11] *See* Letter from J. Michael Hickey, President, Verizon New Hampshire, to the New Hampshire Public Utilities Commission at 2-7 (Mar. 18, 2002) (Verizon Mar. 4 Letter). In particular, Verizon agreed to comply with conditions 1, 4, 6, 7, 8, and 10. *See id.*

[12] *Id.* at 3-6. *See also* Letter from the New Hampshire Public Utilities Commission to J. Michael Hickey, President, Verizon New Hampshire, *Application of Verizon New England, Inc., d/b/a Verizon New Hampshire, for a Favorable Recommendation to Offer InterLATA Service Under 47 U.S.C. 271, DT 01-151* at 1-2 (Apr. 10, 2002) (directing New Hampshire Commission staff and parties to provide clarifications, modifications or substitutions to conditions 2, 3, 5, and 9 that would better serve the interests of the parties and public) (New Hampshire Commission Apr. 10 Letter).

[13] *Id.* at 7.

[14] *See* New Hampshire Commission Comments at 6, 18.

[15] *Id.* On June 15, 2002, Verizon-New Hampshire appealed to the New Hampshire Supreme Court certain portions of the New Hampshire Commission's decision on pricing of unbundled network elements; as part of its appeal, Verizon-New Hampshire requested a stay of portions of the order. *Id.*

[16] *See* Letter from the New Hampshire Public Utilities Commission to J. Michael Hickey, President, Verizon New Hampshire, *Application of Verizon New England, Inc., d/b/a Verizon New Hampshire, for a Favorable Recommendation to Offer InterLATA Service Under 47 U.S.C. 271, DT 01-151* at 3-4 (June 14, 2002) (New Hampshire Commission June 14 Letter). In particular, the New Hampshire Commission removed conditions 3 and 9, and accepted Verizon's alternative proposals to conditions 2 and 5. *Id.*

[17] New Hampshire Commission Comments at 2.

[18] *See Application by Verizon New England, Inc., Verizon Delaware Inc. et al., for Authorization to Provide In-Region, InterLATA Services in New Hampshire and Delaware*, WC Docket No. 02-157, Consultative Comments of the Public Service Commission of Delaware (July 16, 2002) (Delaware Commission Comments) at 10.

2002, the Delaware Commission approved performance metrics and standards for Verizon-Delaware based on the carrier-to-carrier ("C2C") guidelines adopted by the New York Public Service Commission in October 2001, as amended in April 2002.[19] Finally, the Delaware Commission adopted a "consensus" PAP to monitor Verizon-Delaware wholesale performance and encourage Verizon-Delaware to continue to meet its obligations under section 251 of the Act.[20]

8. On February 1, 2002, Verizon formally asked the Delaware Commission to consider whether Verizon is complying with the requirements of section 271.[21] The Delaware Commission opened a docket to consider Verizon's request, and conducted an evaluation of Verizon's compliance with section 271.[22] The Delaware Commission accepted written testimony from all interested parties, and conducted two days of hearings.[23] On completion of its proceeding, the hearing examiner, appointed by the Delaware Commission, found that Verizon had adequately demonstrated compliance with Track A, the checklist requirements, and the public interest requirements of section 271, "on the condition that Verizon-D[elaware] makes . . . assurances and verifications . . . regarding interconnection points, its wholesale billing system, and future changes to its course of dealings with CLECs under its interconnection agreements."[24] On July 16, 2002, the Delaware Commission filed its consultative comments recommending that the Commission approve Verizon's application.[25] The Delaware Commission, satisfied with Verizon's response to the conditions set forth by the hearing examiner, found that the record "supports findings that Verizon-D[elaware] has met the requirements of 47 U.S.C. § 271(c)" and "does not reveal . . . the existence of any exceptional facts or circumstances that would frustrate the congressional intent that local exchange markets in Delaware be open to competitive entry."[26]

9. The Department of Justice filed its recommendation on August 1, 2002, concluding that "Verizon has generally succeeded in opening its local markets in Delaware and New Hampshire to competition."[27] Accordingly, the Department of Justice recommends

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[19] *Id.* at 3.

[20] *Id.*

[21] *See In the Matter of the Inquiry Into Verizon Delaware, Inc.'s Compliance with the Conditions Set Forth in 47 U.S.C. § 271(c),* PSC Docket No. 02-001 at 2 (June 3, 2002) (*Delaware Commission Order*).

[22] *See generally Delaware Commission Order.*

[23] *See id.* at 3.

[24] *See Delaware Commission Order* at 42.

[25] *See* Delaware Commission Comments at 31.

[26] *Id.* at 31-32.

[27] Department of Justice Evaluation at 2. Section 271(d)(2)(A) requires us to give "substantial weight" to the Department of Justice's evaluation. 47 U.S.C. § 271(d)(2)(A).

approval of Verizon's application for section 271 authority in New Hampshire and Delaware, stating that:

> Although there is significantly less competition to serve residential customers via facilities and to serve both business and residential customers via the UNE-platform, the Department does not believe that there remain any material non-price obstacles to competition in Delaware created by Verizon. Verizon has submitted evidence to show that its OSS in Delaware are the same as those that the Commission found satisfactory in Pennsylvania. Moreover . . . the Department does not believe that there remain any material non-price obstacles to competition in New Hampshire created by Verizon. Verizon has submitted evidence to show that its OSS in New Hampshire are the same as those that the Commission found satisfactory in Massachusetts. Moreover, there have been few complaints regarding Verizon's New Hampshire OSS in this proceeding.[28]

10. The Department of Justice notes that there were "complaints from commenters regarding . . . UNE rates in New Hampshire and urges the Commission to look carefully at these comments in determining whether Verizon's prices are cost-based."[29] The Department of Justice also notes that there were "complaints filed by commenters regarding UNE rates in Delaware, and urges the Commission to examine these comments carefully in determining whether Verizon's prices are cost-based."[30]

11. *Complete-as-Filed Rule*. As set forth in the Commission's rules, an applicant is expected to demonstrate in its application that it complies with section 271 as of the date of filing.[31] Here, however, Verizon lowered its feature change charge on day 46, and its switching usage rate on day 64, of the 90-day review period. In such cases, the Commission reserves the right to re-start the 90-day review period anew or to accord such information no weight in determining section 271 compliance.[32] This rule provides interested parties with a fair

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[28] *Id.* at 7, 9-10.

[29] *Id.* at 10.

[30] *Id.* at 7.

[31] *See Updated Filing Requirements for Bell Operating Company Applications under Section 271 of the Communications Act*, CCB, Public Notice, DA 01-734 (Mar. 23, 2001).

[32] *See id. See also Application by Verizon New England, Inc., Bell Atlantic Communications, Inc. (d/b/a Verizon Long Distance), NYNEX Long Distance Company (d/b/a Verizon Enterprise Solutions), Verizon Global Networks, Inc., and Verizon Select Services Inc., for Authorization to Provide In-Region, InterLATA Services in Rhode Island,* Memorandum Opinion and Order, 17 FCC Rcd 3300, 3306, para. 8 (2002) (*Verizon Rhode Island Order*); *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6247, para. 21.

opportunity to comment on the BOC's application, ensures that the Department of Justice and the state commission can fulfill their statutory consultative roles, and affords the Commission adequate time to evaluate the record.[33] The Commission can waive its procedural rules, however, if "special circumstances warrant a deviation from the general rule and such deviation will serve the public interest."[34] We waive the complete-as-filed requirement on our own motion pursuant to section 1.3 of the Commission's rules[35] to the limited extent necessary to consider Verizon's voluntary rate reductions filed during the course of this proceeding.

12. As we have stated, Verizon filed two rate reductions subsequent to filing its application. On August 12, 2002, Verizon filed a new feature change non-recurring charge of $5.98, reduced from $9.01, to correct its failure to comply with the Delaware Commission's order to use shorter work times for feature change tasks compiled by an independent consultant, rather than Verizon's internal, longer work time estimates.[36] On August 30, 2002, Verizon voluntarily filed new, reduced switching rates.[37] In filing its reduced switching rates, Verizon explained that, while it considered its original, Phase I switching rates to be TELRIC compliant, it was voluntarily reducing its rates "to eliminate any possible argument that these rates exceed the TELRIC range."[38] Verizon notified all competitive LECs operating in Delaware via electronic mail of the rate change immediately upon filing with the Delaware Commission.[39]

13. Verizon asserts that the new, reduced switching rate became effective immediately,[40] while AT&T asserts that the new switching rate cannot become effective without action by the Delaware Commission, including advance notice and a hearing if one is

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[33] *Verizon Rhode Island Order*, 17 FCC Rcd at 3305-06, para. 7; *Application of Ameritech Michigan Pursuant to Section 271 of the Communications Act of 1934, as amended, to Provide In-Region, InterLATA Services In Michigan,* 12 FCC Rcd 20543, 20572-73, paras. 52-54 (2002) (*Ameritech Michigan Order*).

[34] *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969). *See also* 47 U.S.C. § 154(j); 47 C.F.R. § 1.3.

[35] 47 C.F.R. § 1.3.

[36] Letter from Richard T. Ellis, Director, Federal Affairs, Verizon to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-157 (filed Aug. 12, 2002) (Verizon Aug. 12 *Ex Parte* Letter). *See also* discussion of Verizon's feature change charge at section III.B.3.d, *infra*.

[37] Letter from Richard T. Ellis, Director, Federal Affairs, Verizon to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-157 (filed Aug. 30, 2002) (Verizon Aug. 30 *Ex Parte* Letter). *See also* discussion of Verizon's switching rates at section III.B.3.b, *infra*.

[38] *Id*.

[39] *Id*.

[40] *Id. See also* Letters from Richard T. Ellis, Director, Federal Affairs, Verizon to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-157 (filed Sept. 9, Sept 13, and Sept. 20, 2002) (Verizon Sept. 9, Sept. 13, and Sept. 20 *Ex Parte* Letters).

requested.[41] The Delaware Commission resolved this dispute at a meeting on September 10, 2002, that AT&T did not attend. Despite AT&T's assertions to the contrary, the transcript of that meeting demonstrates the Delaware Commission's understanding that, by doing nothing, it was allowing Verizon's reduced switching rate to take effect.[42] Indeed, the Delaware Commission has posted Verizon's reduced switching rate, indicating that it is available to all competitive LECs in Delaware.[43] We see no reason to disturb the Delaware Commission's decision, which relied in part on interpretations of Delaware law. We also reject AT&T's claim that Verizon's application must fail because AT&T has not agreed to the switching rate reduction and there is no indication that other CLECs have consented to the reduction.[44] Finally, AT&T's insistence that we consider only Verizon's higher, Phase I rates in this proceeding ignores Commission precedent. In the *SWBT Kansas/Oklahoma Order*, the Commission stated: "Consideration of rates that are higher than what competitors need actually pay is unreasonable under the circumstances [of a voluntary rate reduction.]"[45]

14. The concerns the Commission has expressed in prior section 271 applications regarding rate changes filed after the deadline for comments in a section 271 proceeding are absent here. Verizon's rate reductions provide a pro-competitive response to commenters' stated concerns and desires. As discussed more fully at section III.B.3.b, *infra*, Verizon's reduced switching rates cause its non-loop rates, which include switching rates, to pass a benchmark comparison to its New York non-loop rates. This result is precisely the action that WorldCom

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[41] Supplemental Comments of AT&T Corp. at 2-3; Letter from David M. Levy, Counsel for AT&T to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-157 at 3-4 (filed Sept. 16, 2002); Letter from Amy Alvarez, District Manager, Federal Government Affairs, AT&T to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-157 (filed Sept. 24, 2002).

[42] Delaware PSC, *Application of Verizon Delaware Inc. (F/K/A Bell Atlantic-Delaware, Inc.), for approval of its Statement of Terms and Conditions Under Section 252(f) of the Telecommunications Act of 1996, Phase II*, Hearing Transcript at 2469-70, 2475-78, 2484, Docket No. 96-324, (Sept. 10, 2002). *See also* Verizon Sept. 20 *Ex Parte* Letter.

[43] Delaware PSC (last visited Sept. 24, 2002) http://www.state.de.us/delpsc/major/jac_8_30_ltr.pdf (posting letter from Julia Conover, Vice President and General Counsel, Delaware, Verizon, to Karen Nickerson, Secretary, Delaware Public Service Commission, stating: "These new rates will be applicable to all [competitive] LECs operating in Delaware and shall remain in effect until the [Delaware] Commission otherwise modifies the rates."). *See also* Verizon Aug. 30 *Ex Parte* Letter.

[44] AT&T Sept. 16 *Ex Parte* Letter at 4. We discuss AT&T's claim that the reduced rate is not TELRIC compliant at section III.B.3.b, *infra*.

[45] *SWBT Kansas Oklahoma Order*, 16 FCC Rcd at 6269-70, para. 66. *See also Joint Application by SBC Communications Inc., Southwestern Bell Telephone Company, and Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance Pursuant to Section 271 of the Telecommunications Act of 1996 to Provide In-Region, InterLATA Services in Arkansas and Missouri*, Memorandum Opinion and Order, 16 FCC Rcd 20719, 20748, para. 61 (2001) (*SWBT Arkansas/Missouri Order*).

told us to require of Verizon before granting section 271 approval in Delaware.[46] Verizon also discovered that it had miscalculated its feature change non-recurring charge, contested by AT&T in this proceeding,[47] and reduced it from $9.01 to $5.98. Each of these changes responded to arguments advanced by the parties to this proceeding or, in the case of the feature change charge, to a Delaware Commission mandate, and resulted in reduced prices for UNEs. These rate reductions will promote local competition in Delaware, and are in the public interest. Thus, consistent with our prior orders, we will consider these new, lower rates without requiring Verizon to re-file its section 271 application.[48]

15. We also find that interested parties and the Commission have had adequate opportunity to review the new rates. Verizon filed the feature change charge reduction on the 46th of the 90 days permitted for review of its application, and the switching rate reduction on the 64th day of the permitted 90 days. Verizon's rate changes are limited to one non-recurring charge and the switching usage rate, and analyzing their effect on Verizon's Delaware section 271 application is not unduly complex.[49] Therefore, we conclude that interested parties have had sufficient time to analyze Verizon's rate reductions.

16. Lastly, we find that Verizon has not attempted to "game" the section 271 process by maintaining artificially high rates until the final hour before obtaining section 271 approval.[50] Both the Delaware Commission and a federal district court had found Verizon's Phase I switching rates in effect when Verizon filed this application to be fully TELRIC compliant. No party to this proceeding claims that the process or inputs used to derive the Phase I rates failed to comply with TELRIC principles when the Delaware Commission adopted the Phase I rates. Instead, AT&T and WorldCom claim that changes in inputs to Verizon's cost studies over time since the Delaware Commission adopted the rates causes the rates to fall outside a reasonable

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[46] WorldCom Comments at 3-4; WorldCom Comments, Declaration of Chris Frentrup on Behalf of WorldCom, Inc. at 4, para. 8 (WorldCom Frentrup Decl.). *See also Verizon Rhode Island Order*, 17 FCC Rcd at 3309, para. 14, where AT&T urged the Commission to require Verizon to reduce its Rhode Island switching rates so that Verizon's Rhode Island non-loop rates would pass a benchmark comparison with New York non-loop rates.

[47] AT&T Comments, Tab D, Declaration of Richard J. Walsh on Behalf of AT&T Corp. at para. 39 (AT&T Walsh Decl.).

[48] *SWBT Kansas/Oklahoma Order,* 16 FCC Rcd at 6247-50, paras. 22-27; *Verizon Rhode Island Order*, 17 FCC Rcd at 3305-10, paras. 7-17. *See also* Verizon Sept. 20 *Ex Parte* Letter.

[49] *See SWBT Kansas/Oklahoma Order,* 16 FCC Rcd at 6248-49, para. 23; *Verizon Rhode Island Order*, 17 FCC Rcd at 3308, 3310, paras. 10-11, 16. *See also* Verizon Sept. 20 *Ex Parte* Letter.

[50] *See SWBT Kansas/Oklahoma Order,* 16 FCC Rcd 6250, para. 27; *Verizon Rhode Island Order*, 17 FCC Rcd at 3309, para. 15.

TELRIC range.[51] As Verizon explained, it filed the new, reduced rates in response to such claims.[52] Thus, we conclude that Verizon has not attempted to game the section 271 process.

III. PRIMARY ISSUES IN DISPUTE

17. As in recent section 271 orders, we will not repeat here the analytical framework and particular legal showing required to establish compliance with every checklist item. Rather, we rely on the legal and analytical precedent established in prior section 271 orders, and we attach comprehensive appendices containing performance data and the statutory framework for evaluating section 271 applications.[53] Our conclusions in this Order are based on performance data as reported in carrier-to-carrier reports reflecting service in the most recent months before filing (February through June 2002).[54]

18. We focus in this Order on the issues in controversy in the record. Accordingly, we begin by addressing whether the application qualifies for consideration under section 271(c)(1)(A) (Track A), and checklist items 2 (unbundled network elements, or UNEs) and 4 (unbundled local loops). The remaining checklist items are discussed briefly. We find, based on our review of the evidence in the record, that Verizon satisfies all the checklist requirements for New Hampshire and Delaware.[55]

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[51] AT&T Comments at 9-11; AT&T Comments, Tab A, Declaration of Michael Lieberman on Behalf of AT&T at 8 (AT&T Lieberman Decl.); WorldCom Comments at 3; WorldCom Frentrup Dec. at 4, para. 7.

[52] Verizon Aug. 30 *Ex Parte* Letter.

[53] Appendices D (Delaware Performance Data), E (Pennsylvania Performance Data), B (New Hampshire Performance Data), C (Massachusetts Performance Data), and F (Statutory Requirements); *see Verizon Rhode Island Order*, 17 FCC Rcd 3300, Appens. B, C, and D; *SWBT Arkansas/Missouri Order*, 16 FCC Rcd 20719, Appens. B, C, and D; *Application of Verizon Pennsylvania Inc., Verizon Long Distance, Verizon Enterprise Solutions, Verizon Global Networks Inc., and Verizon Select Services Inc. for Authorization to Provide In-Region, InterLATA Services in Pennsylvania*, Memorandum Opinion and Order, 16 FCC Rcd 17419, 17508-45, Appens. B and C (2001) (*Verizon Pennsylvania Order*).

[54] We examine data through June 2002 because it covers performance that occurred before comments were due in this proceeding on July 17, 2002. *See Application by SBC Communications Inc., Southwestern Bell Telephone Company, and Southwestern Bell Communications Services, Inc., d/b/a Southwestern Bell Long Distance Pursuant to Section 271 of the Telecommunications Act of 1996 To Provide In-Region, InterLATA Services in Texas*, Memorandum Opinion and Order, 15 FCC Rcd 18354, 18372, para. 39 (2000) (*SWBT Texas Order*).

[55] We note that the United States Court of Appeals for the District of Columbia Circuit recently opined in two relevant Commission *decisions*, *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, Third Report and Order and Fourth Further Notice of Proposed Rulemaking, 15 FCC Rcd 3696 (1999) (*UNE Remand Order)* and *Deployment of Wireline Services Offering Advanced Telecommunications Capability and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, Third Report and Order in CC Doc. No. 98-147 and Fourth Report and Order in CC Doc. No. 96-98, 14 FCC Rcd 209 (1999) (*Line Sharing Order*). *USTA v. FCC*, 290 F.3d 415 (D. C. Cir. 2002), *petition for rehearing and suggestion for rehearing en banc denied Sept. 4, 2002*. The court's decision addressed both our UNE rules and our line sharing rules. The Commission is currently reviewing its unbundled network elements rules as part of our *Triennial UNE Review and* (continued….)

A. Compliance With Section 271(c)(1)(A)

19. In order for the Commission to approve a BOC's application to provide in-region, interLATA services, the BOC must first demonstrate that it satisfies the requirements of either section 271(c)(1)(A) (Track A) or section 271(c)(1)(B) (Track B).[56] To meet the requirements of Track A, a BOC must have interconnection agreements with one or more competing providers of "telephone exchange service . . . to residential and business subscribers."[57] In addition, the Act states that "such telephone exchange service may be offered ... either exclusively over [the competitor's] own telephone exchange service facilities or predominantly over [the competitor's] own telephone exchange service facilities in combination with the resale of the telecommunications services of another carrier."[58] The Commission has concluded that section 271(c)(1)(A) is satisfied if one or more competing providers collectively serve residential and business subscribers,[59] and that unbundled network elements are a competing provider's "own telephone exchange service facilities" for purposes of section 271(c)(1)(A).[60] The Commission has further held that a BOC must show that at least one "competing provider" constitutes "an actual commercial alternative to the BOC,"[61] which a BOC can do by demonstrating that the

(Continued from previous page)
NPRM. See Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Docket No. 01-338; *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-98; *Deployment of Wireline Services Offering Advanced Telecommunications Capability*, CC Docket No. 98-147, Notice of Proposed Rulemaking, 16 FCC Rcd 22781, 22805, paras. 53-54 (*Triennial UNE Review NPRM*), and recently extended the reply comment date to allow parties to incorporate their review and analysis of the D.C. Circuit's recent decision. *Wireline Competition Bureau Extends Reply Comment Deadline for Wireline Broadband and Triennial Review Proceedings*, Public Notice, DA 02-1284 (May 29, 2002). Further, the court stated that "the Line Sharing Order must be vacated and remanded." *USTA v. FCC*, 290 F.3d at 429. The court also stated that it "grant[ed] the petitions for review[] and remand[ed] the Line Sharing Order and the [*UNE Remand Order*] to the Commission for further consideration in accordance with the principles outlined." *Id.* at 430. On September 4, 2002, the court denied petitions for rehearing filed by the Commission and others. *See USTA v. FCC,* Order, Nos. 00-1012 and 00-1015 (D.C. Cir. filed Sept. 4, 2002).

[56] 47 U.S.C. § 271(c)(1).

[57] 47 U.S.C. § 271(c)(1)(A).

[58] *Id.*

[59] *Ameritech Michigan Order,* 12 FCC Rcd 20543, 20589, para. 85; *see also Application of BellSouth Corporation, BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc., for Provision of In-Region, InterLATA Services in Louisiana*, Memorandum Opinion and Order, 13 FCC Rcd 20599, 20633-35, paras. 46-48 (1998) (*BellSouth Louisiana Order*).

[60] *Ameritech Michigan Order*, 12 FCC Rcd at 20598, para. 101.

[61] *Application by SBC Communications Inc., Pursuant to Section 271 of the Communications Act of 1934, as amended, To Provide In-Region, InterLATA Services in Oklahoma*, Memorandum Opinion and Order, 12 FCC Rcd 8685, 8694-95, para. 14 (1997) (*SWBT Oklahoma Order*).

provider serves "more than a *de minimis* number" of subscribers.[62] Track A does not require any particular level of market penetration.[63]

20. We conclude, as did the New Hampshire and Delaware Commissions, that Verizon satisfies the requirements of Track A in New Hampshire[64] and Delaware.[65] In New Hampshire, Verizon relies on interconnection agreements with AT&T, BayRing, and Broadview in support of its Track A showing, and we find that these carriers serve more than a *de minimis* number of residential and business end users exclusively over their own facilities and represent an "actual commercial alternative" to Verizon in New Hampshire.[66] In Delaware, Verizon relies on an interconnection agreement with Cavalier in support of its Track A showing. We find that Cavalier serves more than a *de minimis* number of residential and business end users exclusively over its own facilities and represents an "actual commercial alternative" to Verizon in Delaware.

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[62] *SWBT Kansas/Oklahoma Order,* 16 FCC Rcd 6237, 6257, para. 42; *see also Ameritech Michigan Order*, 12 FCC Rcd at 20585, para. 78.

[63] *Sprint Communications Co. L.P. v. FCC*, 274 F.3d 549, 553-54 (D.C. Cir. 2001); *see also SBC Communications Inc. v. FCC*, 138 F.3d 410, 416 (D.C. Cir. 1998) ("Track A does not indicate just how much competition a provider must offer in either the business or residential markets before it is deemed a 'competing' provider.").

[64] The New Hampshire Commission concluded that "[Verizon] has interconnection agreements, processes, and procedures necessary for a competitive market to exist in New Hampshire and satisfies the preconditions for filing under Track 'A', Section 271 (c)(1)(A)." Verizon Application Appen. B, Tab 24, Letter from New Hampshire Commission – Public Utilities Commission Deliberation on Verizon 271 Application and Opinion Letter Regarding Verizon NH's Compliance With the Requirements of Section 271 of the Federal Telecommunications Act of 1996 at 2 (March 1, 2002).

[65] In Delaware, the Hearing Examiner found that "[t]he evidence here is undisputed that CLECs are serving both residential and business customers at greater than *de minimis* levels and, in fact, greater than or equal to what existed in those smaller states where RBOCs have already received 271 approval from the FCC." The Hearing Examiner accordingly concluded that Verizon "has made an adequate showing of compliance with Track A requirements." *See* Verizon Application Appen. B, Tab 15, Inquiry Into Verizon Delaware, Inc.'s Compliance with the Conditions Set Forth in 47 U.S.C. § 271(c), Findings and Recommendations of the Hearing Examiner, Docket No. 02-001, para. 17 (Delaware Commission June 3, 2002) (Delaware Hearing Examiner Report).

[66] Destek, however, expresses concern regarding the general state of competition in New Hampshire. Destek contends that there is insufficient competition in New Hampshire and has participated in state proceedings proposing several steps regarding Verizon that, in Destek's opinion, would further competition. These steps include structural separations, undergoing a state rate earnings review, and making specific state circuit tariff modifications. Destek Reply, Attach. 1 at 1-2. We find that these proposed measures are best suited for the state commission to address. Additionally, BayRing raises certain issues concerning interconnection agreements with Verizon in New Hampshire that, apparently, were settled prior to filing of the joint application before the Commission. BayRing Comments at 71-76, 81-83; Letter from Eric J. Branfman, counsel to BayRing, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket 02-157 (filed June 27, 2002) (BayRing Public Interest *Ex Parte* Letter) at 2. Consequently, we do not find these matters to be relevant here.

21. We reject Cavalier's claim that a business decision to potentially cease marketing its services in Delaware would undercut a finding that Track A requirements have been satisfied in Delaware.[67] Cavalier alleges that Verizon refuses to provide compensation for Verizon-originated traffic that Cavalier carries from the physical interconnection point to Cavalier's switch and that, without payment from Verizon, Cavalier may be "forced to scale back its sales activity."[68] As the Commission has found in past applications, we disagree that a competing provider must necessarily be accepting new customers in order for a BOC to qualify for Track A, because we believe it would be unfair and inconsistent with the statute to foreclose a BOC's application under section 271 based on the marketing decision of an established competitive provider.[69] Nor do we believe that a section 271 proceeding is the appropriate forum to resolve such intercarrier disputes concerning issues that our rules do not clearly address.

B. Checklist Item 2 – Unbundled Network Elements

22. Checklist item two of section 271 states that a BOC must provide "nondiscriminatory access to network elements in accordance with sections 251(c)(3) and 252(d)(1)" of the Act.[70] Section 251(c)(3) requires incumbent LECs to provide "nondiscriminatory access to network elements on an unbundled basis at any technically feasible point on rates, terms, and conditions that are just, reasonable, and nondiscriminatory."[71] Section 252(d)(1) provides that a state commission's determination of the just and reasonable rates for network elements must be nondiscriminatory, based on the cost of providing the network elements, and may include a reasonable profit.[72] Pursuant to this statutory mandate, the Commission has determined that prices for unbundled network elements (UNEs) must be based on the total element long run incremental cost (TELRIC) of providing those elements.[73]

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[67] We note that Cavalier opposes Verizon's Track A showing, claiming that its position as the only UNE loop residential service provider in Delaware is in jeopardy due to an apparent contract dispute with Verizon. *See* Cavalier Comments at 16-18. We also discuss Cavalier's assertions under checklist item 1 (Interconnection). *See* section IV.A.1, *infra*.

[68] Cavalier Comments at 16-17.

[69] *SWBT Arkansas/Missouri Order*, 16 FCC Rcd 20719, 20778-79, para. 119.

[70] 47 U.S.C. § 271(c)(2)(B)(ii).

[71] 47 U.S.C. § 251(c)(3).

[72] 47 U.S.C. § 252(d)(1).

[73] *See Implementation of the Local Competition Provisions in the Telecommunications Act of 1996,* CC Docket No. 96-98, First Report and Order, 11 FCC Rcd 15499, 15844-47, paras. 674-79 (1996) (*Local Competition Order*); 47 C.F.R. §§ 51.501-.515. The Supreme Court has recently upheld the Commission's forward-looking pricing methodology in determining the costs of UNEs. *Verizon v. FCC*, 122 S. Ct. at 1679.

23. In applying the Commission's TELRIC pricing principles in this application, we do not conduct a *de novo* review of a state's pricing determinations.[74] We will, however, reject an application if "basic TELRIC principles are violated or the state commission makes clear errors in factual findings on matters so substantial that the end result falls outside the range that the reasonable application of TELRIC principles would produce."[75] We note that different states may reach different results that are each within the range of what a reasonable application of TELRIC principles would produce. Accordingly, an input rejected elsewhere might be reasonable under the specific circumstances here.

24. The commenters in this proceeding raise numerous issues concerning UNE pricing in both New Hampshire and Delaware. Because the pricing issues raised in New Hampshire and Delaware are distinct, we address the issues raised in each state separately below.

1. Pricing of New Hampshire Unbundled Network Elements

a. Background

25. Verizon's New Hampshire UNE rates were established via three separate proceedings before the New Hampshire Commission.[76] The first proceeding was initiated to review the terms, conditions, and proposed UNE rates contained in a Statement of Generally Available Terms ("SGAT") filed with the New Hampshire Commission in July 1997.[77] In support of its SGAT, Verizon submitted pre-filed testimony in October 1997 and filed a cost study in December 1997.[78] In May 1998, the New Hampshire Commission Staff filed its own

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[74] *Verizon Pennsylvania Order*, 16 FCC Rcd at 17453, para. 55 (citations omitted); *see also Sprint v. FCC*, 274 F.3d at 556 ("When the Commission adjudicates § 271 applications, it does not – and cannot – conduct *de novo* review of state rate-setting determinations. Instead, it makes a general assessment of compliance with TELRIC principles.").

[75] *Verizon Pennsylvania Order,* 16 FCC Rcd at 17453, para. 55.

[76] In addition to UNE rates, these proceedings established rates for OSS and collocation, and addressed several non-cost issues.

[77] Verizon Hickey/Garzillo/Anglin Decl. at 4, para. 14. *See* New Hampshire Commission, *Bell Atlantic Petition for Approval of Statement of Generally Available Terms Pursuant to the Telecommunications Act of 1996*, Order Granting in Part and Denying in Part, Order No. 23,738, Docket DE 97-171 (rel. July 6, 2001) (*New Hampshire SGAT Order*). In an effort to avoid delaying the introduction of an SGAT tariff, the New Hampshire Commission ordered that the SGAT, as filed by Verizon, automatically take effect without approval pending review by the New Hampshire Commission in this docket. *New Hampshire SGAT Order* at 8. The New Hampshire Commission determined that the rates contained in the SGAT were to "be the equivalent of temporary rates" and indicated that a hearing would be held. Ultimately, no hearing was held, however, because the procedural order submitted by the parties did not include a provision for hearing on the temporary rates and because the New Hampshire Commission received no request to hold a hearing on these rates. *New Hampshire SGAT Order* at 8-9.

[78] Verizon Hickey/Garzillo/Anglin Decl. at 4, para. 15; *New Hampshire SGAT Order* at 9.

cost study -- the proprietary Telecom Model developed by an outside consulting firm, Ben Johnson Associates, Inc.[79] Shortly thereafter, Verizon and New Hampshire Commission Staff submitted a joint stipulation to the New Hampshire Commission concerning recurring cost issues.[80] The joint stipulation recommended that the New Hampshire Commission adopt the Telecom Model to establish loop rates and Verizon's SCIS Model to establish switching rates.[81] The joint stipulation also recommended specific modifications to certain inputs used by these cost models and added a common cost factor of 15 percent to both the SCIS and Telecom Model results.[82]

26. Verizon, AT&T, BayRing, New Hampshire Commission Staff, and Ben Johnson Associates filed testimony, and Verizon responded to over 900 data requests from these parties and others over the course of the proceeding.[83] The New Hampshire Commission conducted four days of hearings on non-recurring costs in May 1998, with an additional day of hearings in June 1998.[84] The New Hampshire Commission also held six days of hearings on recurring costs in September and October 1998.[85] At the close of the hearings, parties submitted briefs and additional materials consisting of formal decisions by other administrative and judicial authorities.[86]

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[79] Verizon Application at 58; Verizon Hickey/Garzillo/Anglin Decl. at 4, para. 15; *New Hampshire SGAT Order* at 9-10.

[80] Verizon Hickey/Garzillo/Anglin Decl. at 4-5, para. 17. A prior joint stipulation was submitted to the New Hampshire Commission in March 1998 addressing cost of capital, depreciation, and capital structure. Verizon Hickey/Garzillo/Anglin Decl. at para. 16. These agreed upon costs and inputs were not challenged in the SGAT proceeding. *New Hampshire SGAT Order* at 72. Recently, the New Hampshire Commission opened a new proceeding to consider cost of capital and other inputs used to calculate UNE rates established in the SGAT proceeding. *See* New Hampshire Commission, DT 02-011, Order of Notice at 1 (rel. June 18, 2002) (*New Hampshire Order of Notice*).

[81] Verizon Application at 58; Verizon Hickey/Garzillo/Anglin Decl. at 4-5, para. 17. *See also New Hampshire SGAT Order* at 68-70 (discussing details of the joint stipulation). The stipulation also recommended that the New Hampshire Commission use the Verizon model to establish the costs associated with inter-office trunking facilities. Verizon Application at 58; Verizon Hickey/Garzillo/Anglin Decl. at 4-5, para. 17.

[82] *New Hampshire SGAT Order* at 68.

[83] Verizon Hickey/Garzillo/Anglin Decl. at 5, para. 18.

[84] *Id.* at 5, para. 19.

[85] *Id.*

[86] *New Hampshire SGAT Order* at 10-11. Specifically, AT&T and the Office of Consumer Advocate submitted materials consisting of orders and reports issued by this Commission, the Ninth Circuit Court of Appeals, and the state public utilities commissions of Massachusetts, Vermont, New York, Rhode Island, Kansas, and Pennsylvania, as well as copies of testimony Verizon submitted to the state commissions in New York and Massachusetts. *Id.*

27. On July 6, 2001, the New Hampshire Commission issued an order in the SGAT proceeding addressing UNE rate issues.[87] In its order, the New Hampshire Commission stated that, in determining UNE costs, it employed a forward-looking economic cost methodology as set forth in the Act and as interpreted by the Eighth Circuit.[88] For recurring costs, the New Hampshire Commission adopted the recommendation of the joint stipulation to use the Telecom Model to determine loop costs and to use the SCIS model to determine switching costs.[89] For nonrecurring costs, the New Hampshire Commission adopted Verizon's cost study subject to certain input modifications.[90] The New Hampshire Commission ordered Verizon to file compliance tariffs within 45 days from the date of the order.[91]

28. Several parties filed motions for reconsideration of the SGAT order, claiming that, among other things, the order failed to comply with the TELRIC methodology.[92] On November 21, 2001, the New Hampshire Commission issued an order addressing these motions.[93] The New Hampshire Commission stated that its determination of costing was firmly

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87 Verizon Application at 59; Verizon Hickey/Garzillo/Anglin Decl. at 5-6, para. 20.

88 *New Hampshire SGAT Order* at 5. The New Hampshire Commission explained that, on remand, the Eighth Circuit had determined that this Commission's pricing methodology violated the Act by reflecting the costs of supplying a "hypothetical network." *Id.* The New Hampshire Commission went on to state that prices in this proceeding would be calculated to reflect "the [incumbent] LEC's actual incremental costs in the future to serve competitors with the [incumbent] LEC's network facilities, including whatever upgrades the [incumbent] LEC chooses to implement." *Id.*

89 Verizon Application at 59; Verizon Hickey/Garzillo/Anglin Decl. at 5-6, para. 20. Although the New Hampshire Commission adopted the recommendation of the joint stipulation to use these cost models for certain UNEs, it also ordered certain modifications to the inputs used therein. *See generally New Hampshire SGAT Order* at 83-93. The New Hampshire Commission also adopted a common cost factor of 15 percent for all relevant recurring costs. *New Hampshire SGAT Order* at 93.

90 Verizon Application at 59; Verizon Hickey/Garzillo/Anglin Decl. at 5-6, para. 20. Specifically, the New Hampshire Commission required Verizon to adjust its work time estimates to mitigate upward bias and to change several of the network assumptions to take into account the existing and reasonably foreseeable state of technology. *New Hampshire SGAT Order* at 59-61.

91 *New Hampshire SGAT Order* at 164. The UNE rates established in the SGAT order became effective July 6, 2001. Verizon Application at 59; Verizon Hickey/Garzillo/Anglin Decl. at 5-6, para. 20.

92 *See* New Hampshire Commission, *Bell Atlantic Petition for Approval of Statement of Generally Available Terms Pursuant to the Telecommunications Act of 1996*, Order Addressing Motions for Reconsideration at 3-5, Order No. 23,847, Docket DT 97-171 (rel. Nov. 21, 2001) (*New Hampshire SGAT Recon. Order*). Specifically, these parties argued that, because implementation of the Eighth Circuit's decision had been stayed, the New Hampshire Commission mistakenly applied the Eighth Circuit's interpretation of TELRIC rejecting a purely hypothetical network. *Id.* at 12.

93 Verizon Application at 59 n.41; Verizon Hickey/Garzillo/Anglin Decl. at 6, para. 21. The New Hampshire Commission also issued a subsequent order on reconsideration addressing a petition filed by Verizon seeking reconsideration of certain collocation cost issues. *See* New Hampshire Commission, *Bell Atlantic Petition for Approval of Statement of Generally Available Terms Pursuant to the Telecommunications Act of 1996*, Order (continued….)

based on forward-looking costs as defined by the Act and concluded that its decision was "consistent with a sound TELRIC analysis."[94] With regard to specific UNE costs, the order did modify the fall-out rate included in the nonrecurring cost study and eliminated the requirement that Verizon remove building and land costs from feeder costs.[95] On May 3, 2002, Verizon filed a compliance SGAT that contained a collection of modifications submitted subsequent to the SGAT order, and the New Hampshire Commission approved this filing on June 26, 2002.[96]

29. The second proceeding establishing Verizon's UNE rates in New Hampshire was initiated to consider a number of revisions to the SGAT made by Verizon to include additional UNEs identified by this Commission in its *UNE Remand Order* and *Line Sharing Order*.[97] On August 30, 2001, Verizon filed revised rates for these additional UNEs to reflect the inputs adopted by the New Hampshire Commission in its order dated July 6, 2001.[98] In an effort to expedite the review of these UNE rates, the New Hampshire Commission appointed a facilitator to oversee the proceeding and held a technical session on November 11, 2001.[99] The technical

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Addressing Motion for Reconsideration of Order No. 23,847, Order No. 23, 915, Docket DT 97-171 (rel. Feb. 4, 2002) (*New Hampshire SGAT Second Recon. Order*).

[94] *New Hampshire SGAT Recon. Order* at 12-13. The New Hampshire Commission explained that its determination of what constitutes TELRIC pricing has its foundation in section 252(d) of the Act and New Hampshire law, and that it looked primarily to section 252(d)(1) for guidance if this Commission's directive was capable of different interpretations. It stated that its determination of just and reasonable rates was based on (1) economic cost modeling, which is "an imprecise art that aspires to establish a zone of reasonableness rather than a single correct answer," and (2) a reasonable approach to modeling a forward-looking network, which "requires some relationship to the reality of the current network world." *Id.* at 13-14. In light of these two premises, the New Hampshire Commission concluded that the cost modeling in its SGAT order was not unreasonable and did not violate TELRIC principles. *Id.* at 14.

[95] *Id.* at 24, 53-54.

[96] Verizon Hickey/Garzillo/Anglin Decl. at 6-7, para. 22. The effective date for the revised rates was July 6, 2001. *New Hampshire SGAT Recon. Order* at 70. In its application, Verizon states that it will update its billing systems to reflect the new rates effective July 6, 2001, and will true-up the rates to account for any over- or under-payments made since that date. Verizon Hickey/Garzillo/Anglin Decl. at 6-7, para. 22.

[97] Verizon Application at 60; Verizon Hickey/Garzillo/Anglin Decl. at 7, para. 23. *See UNE Remand Order*, 15 FCC Rcd at 3696 and *Line Sharing Order*, 14 FCC Rcd at 20912. *USTA v. FCC*, 290 F.3d 415 (D. C. Cir. 2002), *petition for rehearing and suggestion for rehearing en banc denied, Order*, Nos. 00-1012 and 00-1015 (D.C. Circuit filed Sept. 4, 2002).

[98] Verizon Hickey/Garzillo/Anglin Decl. at 7, para. 23.

[99] New Hampshire Commission, *Verizon New Hampshire*, Order Approving in Part and Denying in Part Statement of Generally Available Terms and Conditions Additional Unbundled Network Elements at 2-3, Order No. 23,948, Docket DT 01-206 (rel. Apr. 12, 2002) (*New Hampshire UNE Remand Order*). *See also* Verizon Hickey/Garzillo/Anglin Decl. at 7, paras. 23-24. Verizon filed a motion for reconsideration of Order No. 23,948 and that motion was denied on June 13, 2002. Verizon Application at 60 n.42; Verizon Hickey/Garzillo/Anglin Decl. at 8, para. 27. *See* New Hampshire Commission, *Verizon New Hampshire UNE Remand Tariffs*, Order Denying Motion for Reconsideration, Rehearing, and/or Clarification at 19, Order No. 23,993, Docket DT 01-206 (rel. June 13, 2002). Verizon appealed certain portions of the New Hampshire Commission's order in DT 01-206 to (continued….)

session was followed by several teleconferences between the parties and Verizon responded to approximately 170 discovery requests.[100] Parties submitted briefs on December 28, 2001, and a hearing was held on January 17, 2002.[101] On April 12, 2002, the New Hampshire Commission issued an order adopting, with modifications, many of the facilitator's recommendations and ordered that the rates for these UNEs become effective on that date.[102] The order also required Verizon to make a compliance filing, which was made on May 10, 2002.[103]

30. The third proceeding establishing Verizon's UNE rates in New Hampshire began in August 2001, to evaluate Verizon's application for state authority to provide interLATA service in New Hampshire.[104] The New Hampshire Commission hired a facilitator "who conducted a thorough and comprehensive investigation of Verizon New Hampshire's compliance with the statutory requirements enumerated in Section 271(c) of the [Act]" including its compliance with checklist item two.[105] The facilitator held five days of evidentiary hearings and the New Hampshire Commission considered declarations, exhibits, briefs, comments and oral arguments submitted by the parties, New Hampshire Commission Staff, and

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the New Hampshire Supreme Court. New Hampshire Commission Comments at 6. Specifically, Verizon appealed, among other things, the New Hampshire Commission's requirement that it phase-out loop conditioning charges over a three-year period and the requirement that it provide access to its LFACS database at a per-transaction charge (called the "mechanized loop qualification rate"). Recently, the New Hampshire Commission and Verizon agreed to remand the issue of access to LFACS and the mechanized loop qualification rate back to the New Hampshire Commission for reconsideration. Per the request of New Hampshire Commission Staff, Verizon changed the rate structure for mechanized loop qualification from a per-transaction rate back to a recurring rate. *See generally* Letter from Richard T. Ellis, Director, Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-157 (filed Aug. 16, 2002) (discussing the appeal of the *New Hampshire UNE Remand Order*). On August 2, 2002, Verizon filed revisions to its SGAT to re-establish the mechanized loop qualification rate as a recurring rate, to reflect a 36 percent reduction in labor costs, and to correct a math error discovered in the prior compliance filing. *See* Letter from Richard T. Ellis, Director, Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-157 (filed Aug. 6, 2002) (attaching August 2 filing with the New Hampshire Commission). Verizon's challenge concerning loop conditioning remains pending before the New Hampshire Supreme Court.

[100] Verizon Hickey/Garzillo/Anglin Decl. at 7, para. 24.

[101] Verizon Hickey/Garzillo/Anglin Decl. at 7, para. 25. After briefs had been filed, the facilitator issued a recommended decision. Parties and New Hampshire Commission Staff filed comments regarding the recommended decision and the facilitator modified the recommended decision "in light of those comments." *Id.*

[102] Verizon Application at 60; Verizon Hickey/Garzillo/Anglin Decl. at 8, para. 26.

[103] Verizon Hickey/Garzillo/Anglin Decl. at 8, para. 26. Verizon made a further compliance filing concerning loop conditioning on July 26, 2002. Letter from Alan S. Cort, Director, Regulatory, Verizon, to Debra Howland, Executive Director and Secretary, New Hampshire Public Utilities Commission, DT 01-206, at 1 (filed Jul. 26, 2002).

[104] Verizon Application at 60; Verizon Hickey/Garzillo/Anglin Decl. at 8, para. 28.

[105] *See New Hampshire Commission March 1 Letter* at 1. *See also* New Hampshire Commission Comments at Appen. 3.

interested persons.[106] On March 1, 2002, the New Hampshire Commission issued an Opinion Letter stating its conclusion that Verizon had met the requirements of checklist items 3, 6, 7, 8, 9, 10, 12, 13 and 14.[107] In order to meet the remaining checklist items and find that approval of Verizon's application would be in the public interest, the New Hampshire Commission required that Verizon satisfy ten conditions detailed in the Opinion Letter.[108]

31. On March 15, 2002, Verizon objected to four of the ten conditions, including conditions two and three, which required an "across the board" reduction of UNE rates and a revision to the unbundled local switching charge.[109] Finding some of Verizon's points reasonable, the New Hampshire Commission directed the New Hampshire Commission Staff and the parties to work together to develop "clarifications, modifications, or substitutions" in a way to better serve the interests of the parties and the public.[110] On May 6, 2002, the New Hampshire Commission Staff filed a Report and Recommendation that contained alternative proposals for addressing the concerns underlying the conditions; however, the report failed to include any solution agreed upon by all the parties.[111] On June 5, 2002, Verizon filed a letter with the New Hampshire Commission summarizing its position concerning the original ten conditions and offered alternatives to conditions two and five. As an alternative to condition

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[106] *New Hampshire Commission March 1 Letter* at 1. *See also* New Hampshire Commission Comments at 3-6 (discussing the procedural history of DT 01-151).

[107] *New Hampshire Commission March 1 Letter* at 2. *See also* New Hampshire Commission Comments at 12, n.11 (noting that, in the *New Hampshire Commission March 1 Letter*, checklist item 13 was inadvertently omitted from the list of requirements Verizon had satisfied).

[108] *New Hampshire Commission March 1 Letter* at 2-3; New Hampshire Commission Comments at 13-14. Of the ten original conditions required by the New Hampshire Commission, conditions two and three required UNE rate and/or rate structure revisions. Specifically, condition two required that Verizon recalculate the rates in its competitive LEC tariff (the SGAT) using an 8.42 percent overall cost of capital, based on Verizon's current debt to equity ratio, Verizon's current cost of debt, and 10 percent return on equity. *New Hampshire Commission March 1 Letter* at 2. In addition, condition two required Verizon to reduce all rates by 6.43 percent to account for merger and process re-engineering savings. *Id.* Condition three required Verizon to revise the competitive LEC tariff (the SGAT) to apply the unbundled local switching charge only once to a call that originates or terminates in the same switch. *Id.* at 3.

[109] *See* Letter from J. Michael Hickey, President, Verizon New England Inc., d/b/a Verizon New Hampshire, to Thomas B. Getz, Chairman, State of New Hampshire Public Utilities Commission, DT 01-151 at 1-4 (filed Mar. 15, 2002). *See also* New Hampshire Commission Comments at Appen. 4. Because condition two would have required Verizon to re-calculate all rates in the SGAT using a lower cost of capital and to account for merger and re-engineering savings, that condition would have resulted in lower overall UNE rates.

[110] Letter from Thomas B. Getz, Chairman, State of New Hampshire Public Utilities Commission, to J. Michael Hickey, President, Verizon New England Inc., d/b/a Verizon New Hampshire, DT 01-151 at 2 (filed Apr. 10, 2002).

[111] *See* Letter from Thomas B. Getz, Chairman, State of New Hampshire Public Utilities Commission, to J. Michael Hickey, President, Verizon New England Inc., d/b/a Verizon New Hampshire, DT 01-151 at 1 (filed June 14, 2002) (*New Hampshire Commission June 14 Letter*). *See also* New Hampshire Commission Comments at Appen. 2.

two, the June 5 letter proposed specific reductions to Verizon's loop, switching, transport, and Daily Usage File (DUF) rates.[112] Verizon reduced its usage-sensitive switching and transport UNE rates to a level that would pass the Commission's non-loop benchmark analysis to New York rates.[113]

32. On June 14, 2002, the New Hampshire Commission issued a second Opinion Letter in light of the entire record.[114] The New Hampshire Commission approved Verizon's proposed specific rate reductions in satisfaction of condition two and eliminated condition three based on information that no double charging occurs when Verizon bills for both originating and terminating portions of calls within the same switch.[115] Verizon modified its SGAT to reflect the reduced rates that same day[116] and these rates became effective June 14, 2002.[117]

33. On June 18, 2002, the New Hampshire Commission issued an Order of Notice opening a new proceeding to determine whether recurring UNE rates should be modified to reflect cost inputs that may have changed since the record was closed in the SGAT proceeding.[118] In particular, the New Hampshire Commission stated its intent to "examine whether

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[112] *See* Letter from J. Michael Hickey, President, Verizon New England Inc., d/b/a Verizon New Hampshire, to Thomas B. Getz, Chairman, State of New Hampshire Public Utilities Commission, DT 01-151 at 2 (filed June 5, 2002). In its letter dated June 5, 2002, Verizon agreed to: (1) reduce monthly rates for 2-wire and 4-wire analog loops in its "rural" density zone to $25.00 and $50.00, respectively; (2) reduce switching and transport rates by approximately 18 percent; (3) reduce all DS1 loop rates by 20 percent; and (4) reduce DUF rates by about 70 percent. Verizon Hickey/Garzillo/Anglin Decl. at 9, para. 29; *see also* Verizon Application at 60-61.

[113] Letter from Richard T. Ellis, Director, Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-157 (filed Aug. 26, 2002) (explaining that Verizon reduced its non-loop UNE rates in New Hampshire to a level that would meet a benchmark with the New York non-loop rates on an aggregate basis). Verizon also states that, in taking this approach to reducing its rates, it relied upon the fact that the Commission had repeatedly held that aggregate benchmarking of non-loop rates was appropriate and thus, found no reason to adjust the rates such that non-loop rates would benchmark to New York on an element-by-element basis. *Id.* at 1.

[114] *New Hampshire Commission June 14 Letter* at 1.

[115] *Id.* at 3.

[116] Letter from J. Michael Hickey, President, Verizon New England Inc., d/b/a Verizon New Hampshire, to Debra A. Howland, Executive Director and Secretary, State of New Hampshire Public Utilities Commission at 1 (filed June 14, 2002).

[117] *See* Letter from Debra A, Howland, Executive Director and Secretary, State of New Hampshire Public Utilities Commission, to J. Michael Hickey, President and CEO, Verizon New Hampshire, DT 01-151 at 1 (filed July 2, 2002) (*New Hampshire Commission July 2 Letter*). In its application, Verizon states that it "expects to implement the necessary changes to its billing systems shortly, and will true up any rates paid since that date." Verizon Hickey/Garzillo/Anglin Decl. at para. 29. On July 2, 2002, the New Hampshire Commission confirmed that Verizon's SGAT, as modified, complied with the Opinion Letter. *New Hampshire Commission July 2 Letter* at 1.

[118] *New Hampshire Order of Notice* at 2.

recurring TELRIC rates should be modified to take into account a revised cost of capital and/or such other input variables which have changed since 1998."[119] The New Hampshire Commission directed interested parties to identify the input variables used to establish recurring UNE rates that should be addressed in the new proceeding.[120]

b. Discussion

34. Based on the evidence in the record, we find that Verizon's New Hampshire UNE rates are just, reasonable, and nondiscriminatory as required by section 251(c)(3), and are based on cost plus a reasonable profit as required by section 252(d)(1). Thus, Verizon's New Hampshire UNE rates satisfy checklist item two. The New Hampshire Commission concluded that Verizon's New Hampshire UNE rates satisfied the requirements of checklist item two.[121] While we have not conducted a *de novo* review of the New Hampshire Commission's pricing determinations, we have followed the urging of the Department of Justice that we look carefully at commenters' complaints regarding New Hampshire UNE pricing.[122] For the reasons stated below, substantial questions have been raised about whether Verizon's New Hampshire UNE rates were adopted through a proceeding which correctly applied TELRIC principles in all instances. We have evaluated Verizon's current New Hampshire UNE rates based upon our benchmark analysis comparing such rates to UNE rates in New York.[123] As discussed below, Verizon's New Hampshire UNE rates pass our benchmark test, and therefore, satisfy the requirements of checklist item two.

(i) TELRIC Compliance

35. We have carefully considered the comments filed in this proceeding alleging that Verizon's New Hampshire UNE rates are not TELRIC-compliant. As a general matter, AT&T and BayRing argue that, in establishing UNE rates, the New Hampshire Commission failed to apply the proper interpretation of the TELRIC methodology in its SGAT proceeding.[124] These commenters contend that the New Hampshire Commission failed to measure UNE costs based on the use of the most efficient telecommunications technology currently available and the lowest cost network configuration, given the existing location of the incumbent LEC's wire

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[119] *Id.*

[120] *Id.*

[121] New Hampshire Commission Comments at 18 (concluding that, with the modified conditions, all checklist items had been met).

[122] Department of Justice Evaluation at 10.

[123] *See SWBT Arkansas/Missouri Order*, 16 FCC Rcd at 20752, paras. 67-68 (concluding that where a state has not conducted a TELRIC rate proceeding, its rates may nonetheless be found to be TELRIC compliant if they pass our benchmark analysis).

[124] *See* AT&T Comments at 12-13; BayRing Comments at 18-20.

centers, as required by section 51.505(b)(1) of our rules.[125] In addition, AT&T and BayRing allege numerous specific TELRIC errors. For example, BayRing asserts that Verizon's cost of capital is outdated and inflated,[126] and that Verizon's New Hampshire UNE rates are inflated because they do not reflect merger savings resulting from the NYNEX and GTE mergers.[127] BayRing also contends that the loop cost model, the Telecom Model, overestimates the forward-looking cost of outside plant and, as evidence that Verizon's New Hampshire loop rates are excessive, provides a comparison of the loop rates to loop rates in other Verizon states.[128] According to BayRing, its comparison demonstrates that Verizon's New Hampshire loop rates are excessive, unreasonable, and not forward-looking.[129]

36. AT&T contends that Verizon's New Hampshire switching rates are inflated by clear TELRIC errors. Specifically, AT&T argues that the New Hampshire Commission engaged in result-oriented ratemaking and, thus, never engaged in any examination of Verizon's costs.[130] AT&T further contends that Verizon's switching rates were established using outdated switch discount percentages[131] and that the switching cost study modeled obsolete technology.[132]

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[125] *See* AT&T Comments at 12-13; BayRing Comments at 18 (arguing that the New Hampshire Commission wrongly applied the Eighth Circuit's holding in *Iowa Utilities Board v. FCC,* which was stayed and ultimately reversed by the Supreme Court). *See* 47 C.F.R. § 51.505(b)(1). *See also* AT&T Reply at 12-13.

[126] *See* BayRing Comments 13-16. Verizon disputes this claim, arguing that the current cost of capital does not adequately account for the risks Verizon is subject to in a competitive market or the added regulatory risk inherent in the TELRIC methodology. Verizon Reply at 17; Letter from Richard T. Ellis, Director, Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-157 (filed July 18, 2002) (attaching Letter from William P. Barr, Executive Vice President and General Counsel, Verizon, to the Honorable Michael Powell, Chairman, Federal Communications Commission at 2 (filed July 16, 2002).

[127] *See* BayRing Comments at 16-18.

[128] BayRing Comments at 20, 22. BayRing notes that the loop cost model adopted by the New Hampshire Commission produced statewide average loop rates that were 17.8 percent higher that those resulting from Verizon's proposed cost model. *Id.* at 20.

[129] *Id.* at 22-23. In its comments, AT&T makes a general claim that Verizon's New Hampshire loop rates are inflated because they rely on outdated data and that Verizon's current loop rates do not reflect declining loop costs. AT&T Lieberman Decl. at 8-10, paras. 17, 19. First, we note that, regardless of this claim, Verizon's loop rates pass a benchmark comparison to Verizon's New York loop rates. Second, to the extent that AT&T believes that Verizon's loop rates are inflated by outdated cost data, we note that the New Hampshire Commission recently initiated a proceeding to consider updated cost inputs and we encourage AT&T to submit updated loop cost information in that proceeding. *See New Hampshire Order of Notice* at 2.

[130] *See* AT&T Comments at 14-16. AT&T argues that the New Hampshire Commission never determined whether Verizon's switching rates are TELRIC-compliant because, in some instances, the switching rates are the result of inputs that were stipulated to and not based on actual costs. AT&T Comments at 14; AT&T Comments, Tab C, Joint Declaration of Catherine E. Pitts and Michael R. Baranowski at 11, para. 16 (AT&T Pitts/Baranowski Decl.).

[131] AT&T Comments at 15, 16-17. According to AT&T, to determine switching costs, Verizon used a 1995 version of its cost model to develop the switch investments in New Hampshire, which relied upon switch contract (continued….)

AT&T also challenges the common cost factor used to establish switching rates[133] Finally, AT&T claims that Verizon overstated its minute-of-use switching costs by overstating its peak capacity requirements.[134]

37. Based on the record in this proceeding and a review of the underlying state proceedings, we have serious concerns as to whether the New Hampshire Commission applied the proper interpretation of the TELRIC methodology in its SGAT proceeding.[135] Indeed, there is evidence in the record that the New Hampshire Commission based its decision on an interpretation of TELRIC that is more consistent with that approved in the Eighth Circuit's decision in *Iowa Utilities Board v. FCC*, a decision that was reversed by the Supreme Court.[136]

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prices for 1994 to determine the switch discount input for the cost model, even though more recent data was available at that time. *Id.* at 16; AT&T Pitts/Baranowski Decl. at 11, para. 16. There seems to be some confusion in AT&T's comments as to the exact age of the switch contract prices. On page 15 of its comments, AT&T states that the switch contracts covered switch purchases before 1992. Later, however, on page 16, AT&T states that Verizon used switch contract prices for 1994. AT&T Comments at 15, 16.

[132] AT&T Comments at 17-18. AT&T alleges that Verizon's switching cost study models obsolete technology because it assumes that all digital loop carrier lines will be served via TR-008 SLC-96 technology instead of GR-303 technology. *Id.* at 17; AT&T Pitts/Baranowski Decl. at 12-13, paras. 18-19.

[133] AT&T Comments at 19. AT&T argues that there is no data or analysis to support the 15 percent joint and common cost factor contained in the stipulation reached between Verizon and New Hampshire Commission staff. *Id.*

[134] *Id.* at 21. AT&T contends that Verizon improperly calculates its switching cost by dividing by minutes associated with only 252 business days in a calendar year instead of 365 days per year. *Id.* In confronting the same issue, the New York commission approved 308 days. AT&T Pitts/Baranowski Decl. at 15, para. 23 n.17. AT&T states that 365 days is the appropriate number because the switch will be used all days of the year. AT&T Comments at 21. In our *Verizon New Jersey Order*, we determined that, in our view, provided that an incumbent LEC's methodology is reasonable and consistent, TELRIC does not by itself dictate the use of a particular number of days, whether 308, 251, or some other number. *Application by Verizon New Jersey Inc., Bell Atlantic Communications, Inc. (d/b/a Verizon Long distance), NYNEX Long Distance Company (d/b/a Verizon Enterprise Solutions), Verizon Global Networks Inc., and Verizon Select Services Inc., for Authorization to Provide In-Region, InterLATA Services in New Jersey*, Memorandum Opinion and Order, 17 FCC Rcd 12275, 12295, para. 48 (2002) (*Verizon New Jersey Order*). *See also*, *Application by Verizon New England Inc., Bell Atlantic Communications, Inc. (d/b/a Verizon Long Distance), NYNEX Long Distance Company (d/b/a Verizon Enterprise Solutions), Verizon Global Networks Inc., and Verizon Select Services Inc., for Authorization To Provide In-Region, InterLATA Services in Vermont*, Memorandum Opinion and Order, 17 FCC Rcd 7625, 7640-42, paras. 29-31 (2002) (*Verizon Vermont Order*). As was the case in New Jersey and Vermont, the record raises serious questions concerning Verizon's use of 252 days in conjunction with the other inputs in Verizon's model and how the rates are applied.

[135] We also have questions concerning some of the cost assumptions required by the New Hampshire Commission and there is evidence that some of the cost inputs adopted by the NH Commission to determine UNE rates were established via a stipulation between Verizon and NH Commission Staff, rather than through an examination of Verizon's costs. *See, e.g.*, AT&T Comments at 14-16; BayRing Comments at 13-14.

[136] *NH SGAT Order* at 5-6, 57-59, 85-88. *See Iowa Utils. Bd. v. FCC*, 219 F.3d 744 (8th Cir. 2000), *rev'd in part*, *Verizon Communications, Inc. v. FCC,* 122 S. Ct. 1646, 1679 (2002). On reconsideration, the New Hampshire Commission explained that its determination of what constitutes TELRIC pricing has its foundation in section (continued….)

Specifically, we have concerns regarding the technology assumptions required by the NH Commission and Verizon's switching rate calculation, which is based on dividing switch costs by 252 days to derive a per-minute rate. We need not, however, address the merits of these arguments here. In its application, Verizon does not rely on the rates established by the New Hampshire Commission. Rather, Verizon relies on its reduced UNE rates to support its application and demonstrates that these rates pass a benchmark analysis.[137] As this Commission stated in prior 271 orders, the purpose of our benchmark analysis is to provide confidence that a rate, despite potential TELRIC errors, falls within the range that a reasonable application of TELRIC principles would produce.[138] Thus, even if the New Hampshire Commission failed to apply the proper TELRIC methodology in every respect, the fact that Verizon's New Hampshire UNE rates pass a benchmark comparison to rates that are TELRIC-compliant provides a basis for our finding that, despite these alleged errors, Verizon's reduced UNE rates fall within the range that a reasonable TELRIC-based rate proceeding would produce.

(ii) Benchmark Analysis

38. *Appropriate Benchmark State*. In its application, Verizon chooses to rely on a benchmark comparison of its UNE rates in New Hampshire to those in New York.[139] BayRing contends, however, that the most appropriate state for comparison purposes is Vermont because Verizon's operations in New Hampshire and Vermont are "vestiges of Verizon's New England Telephone operations" and because Vermont is much more similar geographically to New Hampshire than New York.[140] Comparing Verizon's New Hampshire loop rates to those in

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252(d) of the Act and New Hampshire law, and that it looked primarily to section 252(d)(1) for guidance if this Commission's directive was capable of different interpretations. It stated that its determination of just and reasonable rates was based on (1) economic cost modeling, which is "an imprecise art that aspires to establish a zone of reasonableness rather than a single correct answer," and (2) a reasonable approach to modeling a forward-looking network, which "requires some relationship to the reality of the current network world." *NH SGAT Recon. Order* at 13-14. In light of these two premises, the New Hampshire Commission concluded that the cost modeling in its *SGAT Order* was not unreasonable and did not violate TELRIC principles. *NH SGAT Recon. Order* at 14.

137 *See* Verizon Reply at 16 (arguing that, because the rates established by the New Hampshire Commission have been replaced by new rates that pass a benchmark, there is no need to address the claim that the New Hampshire Commission failed to adhere to TELRIC in its original proceeding).

138 *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd 6276, para. 82; *Verizon New Jersey Order,* 17 FCC Rcd at 12295 at para. 49 (stating that when a state commission does not apply TELRIC principles or does so improperly, it will look to rates in other section 271-approved states to see if the applicant's rates nonetheless fall within a range that a reasonable TELRIC-based rate proceeding would produce).

139 Verizon Hickey/Garzillo/Anglin Decl. at 20, para. 58.

140 BayRing Comments at 23-24. BayRing also states that the two states share a common BOC, a similar rate structure, and that Verizon's Vermont UNE rates have been found to be TELRIC-compliant by this Commission. *Id. See also* BayRing Reply at 3.

Vermont, BayRing claims that Verizon's loop rates would not pass a benchmark comparison to Vermont loop rates.[141]

39. States have considerable flexibility in setting UNE rates and certain flaws in a cost study, by themselves, may not result in rates that are outside the reasonable range that correct application of TELRIC principles would produce.[142] The Commission has stated that, when a state commission does not apply TELRIC principles or does so improperly (e.g., the state commission made a major methodological mistake or used an incorrect input or several smaller mistakes or incorrect inputs that collectively could render rates outside the reasonable range that TELRIC would permit), then we will look to rates in other section 271-approved states to see if the rates nonetheless fall within the range that a reasonable TELRIC-based rate proceeding would produce.[143] In comparing the rates, the Commission has used its USF cost model to take into account the differences in the underlying costs between the applicant state and the comparison state.[144] To determine whether a comparison with a particular state is reasonable, the Commission will consider whether the two states have a common BOC; whether the two states have geographic similarities; whether the two states have similar, although not necessarily identical, rate structures for comparison purposes; and whether the Commission has already found the rates in the comparison state to be TELRIC-compliant.[145]

40. Additionally, in conducting a benchmark analysis, we consider the reasonableness of loop and non-loop rates separately.[146] Where the Commission finds that the state commission correctly applied TELRIC principles for one category of rates, it will use a benchmark analysis to evaluate the rates of the other category. If, however, there are problems with the application

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141 BayRing Comments at 24; BayRing Reply at 3.

142 *Verizon Rhode Island Order*, 17 FCC Rcd at 3319-20, para. 37.

143 *Id.* at 3320, para. 38; *see also Verizon Pennsylvania Order*, 16 FCC Rcd at 17456-57, para. 63; *see also SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6276, para. 82. In the *Pennsylvania Order*, we found that several of the criteria should be treated as indicia of the reasonableness of the comparison. *Verizon Pennsylvania Order*, 16 FCC Rcd at 17457, para. 64.

144 *See Application of Verizon New England Inc., Bell Atlantic Communications, Inc. (d/b/a Verizon Long Distance), NYNEX Long Distance Company (d/b/a Verizon Enterprise Solutions), Verizon Global Networks Inc., and Verizon Select Services Inc., for Authorization to Provide In-Region , InterLATA Services in Massachusetts*, Memorandum Opinion and Order, 16 FCC Rcd 8988, 9000, para. 22 (2001) (*Verizon Massachusetts Order*); *SWBT Arkansas/Missouri Order*, 16 FCC Rcd at 20746, para. 57; *Verizon Pennsylvania Order*, 16 FCC Rcd at 17457, para. 65; *see also SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6277, para. 84.

145 *See Verizon Rhode Island Order*, 17 FCC Rcd at 3320, para. 38; *SWBT Arkansas/Missouri Order* 16 FCC Rcd at 20746, para. 56; *Verizon Pennsylvania Order*, 16 FCC Rcd at 17457, para. 63; *Verizon Massachusetts Order*, 16 FCC Rcd at 9002, para. 28; *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6276, para. 82.

146 *See, e.g., Verizon Rhode Island Order*, 17 FCC Rcd at 3320, para. 40; *Verizon Pennsylvania Order*, 16 FCC Rcd at 17457, para. 67; *Verizon Massachusetts Order*, 16 FCC Rcd at 9000-02, paras. 23-27. Loop rates consist of charges for the local loop, and non-loop rates consist of charges for switching, signaling, and transport.

of TELRIC for both loop and non-loop rates, then the same benchmark state must be used for all rate comparisons to prevent an incumbent LEC from choosing for its comparisons the highest approved rates for both loop and non-loop UNEs.[147]

41. We are not persuaded by BayRing's argument that Verizon should be required to benchmark to Vermont. The Commission has used New York as a benchmark state in a number of section 271 orders.[148] In its application, Verizon chooses to rely on a benchmark comparison to New York rates and BayRing does not demonstrate that New York is an inappropriate state for comparison purposes. Significantly, BayRing fails to present sufficient evidence that New York fails to meet the criteria set forth for determining whether a comparison to a particular state is reasonable. BayRing's primary contention is that Vermont is much more similar geographically to New Hampshire.[149]

42. As we stated in the *SWBT Arkansas/Missouri Order*, the BOC need only show that the benchmark state's rates fall within the TELRIC range.[150] The standard is not whether a certain state is a better benchmark, but whether the state selected is a reasonable one.[151] In meeting our test by comparing its New Hampshire rates to New York rates, Verizon has demonstrated that the New Hampshire rates fall within the reasonable TELRIC range.

43. Moreover, even assuming *arguendo* that Vermont is more similar geographically to New Hampshire, such a fact would not undermine a benchmark comparison to New York rates. The USF cost model, as we have stated in prior section 271 orders, is designed to account

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147 *Verizon Pennsylvania Order*, 16 FCC Rcd at 17458, para. 66; *SWBT Missouri/Arkansas Order* at para. 58.

148 *See, e.g.*, *Verizon Rhode Island Order*, 17 FCC Rcd at 3326, para. 53; *Application of Verizon New England Inc., Bell Atlantic Communications, Inc. (d/b/a Verizon Long Distance), NYNEX Long Distance Company (d/b/a Verizon Enterprise Solutions), Verizon Global Networks, Inc., and Verizon Select Services, Inc. for Authorization to Provide In-Region, InterLATA Services in Maine*, CC Docket No. 02-61, Memorandum Opinion and Order, 17 FCC Rcd 11659, 11679, para. 32 (2002) (*Verizon Maine Order*); *Verizon New Jersey Order*, 17 FCC Rcd at 12296, para. 50.

149 BayRing Comments at 23-24. BayRing observes that more than half the population of New York State is concentrated in the New York City metropolitan area and that no city in New Hampshire is similar to New York City. *Id.*

150 *SWBT Arkansas/Missouri Order*, 16 FCC Rcd at 20746, para. 56.

151 *See id.* In our *Verizon Rhode Island Order*, we found that the New York rates are appropriate anchor rates for purposes of a benchmark comparison. *Verizon Rhode Island Order*, 17 FCC Rcd at 3326-27, para. 53. We note that the New York state commission recently completed a new rate proceeding and we have commended the New York state commission for the thoroughness of its recent rate docket. *Verizon New Jersey Order*, 17 FCC Rcd at 12296, para. 50; *Verizon Rhode Island Order*, 17 FCC Rcd at 3324-25, paras. 48-53. *See* New York PSC, *Proceeding on Motion of the Commission to Examine New York Telephone Company's Rates for Unbundled Network Elements*, Case 98-1357, Order on Unbundled Network Element Rates (rel. Jan. 28, 2002) (*New York UNE Rate Order*). Moreover, as a general matter, competitive LECs support the use of New York rates in conducting a benchmark analysis. *Verizon Rhode Island Order,* 16 FCC Rcd at 3326, para. 53.

for relative cost differences between states based on, among other things, geographical differences.[152] For this and the others reasons discussed above, as we have found in prior orders, a benchmark comparison with New York rates is a reasonable way to establish that Verizon's New Hampshire UNE rates are within the range that reasonable application of TELRIC principles would produce. Moreover, because TELRIC pricing may be within a range of rates, a failure to meet a benchmark comparison with Vermont would not establish that Verizon's New Hampshire loop rates are outside a TELRIC-based range.[153]

44. *Benchmark Analysis*. Having determined above that the New York rates are appropriate rates for the benchmark comparison, we compare Verizon's New Hampshire loop rates to the New York loop rates using our benchmark analysis. Taking a weighted average of Verizon's rates in New Hampshire and New York, we find that Verizon's New Hampshire loop rates satisfy our benchmark analysis and the requirements of checklist item two.[154]

45. We also conduct a benchmark analysis of Verizon's New Hampshire non-loop UNE rates.[155] As we discussed above, Verizon relies on a benchmark comparison of its UNE rates in New Hampshire to its UNE rates in New York, and we have determined that New York is an appropriate benchmark state for comparison purposes. In our benchmark analysis of Verizon's non-loop UNE prices, we compare (1) the percentage difference between its New

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[152] *See SWBT Kansas/Oklahoma*, 16 FCC Rcd at 6277, para. 84 and n.248.

[153] In further support of its claim that Verizon's New Hampshire UNE rates are not forward-looking, BayRing provides a comparison of Verizon's New Hampshire loop rates to loop rates in other Verizon states. BayRing Comments at 22. According to BayRing, its comparison demonstrates that Verizon's New Hampshire loop rates are excessive, unreasonable, and not forward-looking. *Id.* at 22-23. As we made clear in the *Verizon Vermont Order*, mere rate comparisons are insufficient to demonstrate a TELRIC violation because, among other reasons, they do not account for cost differences between states. *See Verizon Vermont* Order, 17 FCC Rcd at 7644, para. 35. Further, both the United States Court of Appeals for the District of Columbia Circuit and the Commission have recognized that the "application of TELRIC principles can result in different rates in different states." *AT&T Corp. v. FCC*, 220 F.3d 615, *affirming Bell Atlantic New York Order*, 15 FCC Rcd at 4084, para. 244. Thus, the fact that Verizon's New Hampshire loop rates are higher than loop rates in other Verizon states does not prove that such rates are excessive, unreasonable and not forward-looking, as BayRing contends.

[154] Verizon's New Hampshire loop rates are 43.12 percent higher than New York loop rates. Comparing the weighted average costs, we find that the New Hampshire loop costs are 74.85 percent higher than the New York loop costs. Because the percentage difference between Verizon's New Hampshire loop rates and the New York loop rates does not exceed the percentage difference between Verizon's loop costs in New Hampshire and Verizon's loop costs in New York, we conclude that Verizon's New Hampshire loop rates satisfy our benchmark analysis.

[155] AT&T argues that the specific rate reductions made by Verizon in the state section 271 proceeding do not cure the TELRIC violations alleged by AT&T. AT&T Comments at 16. As discussed below, using a benchmark analysis to New York, we conclude that Verizon's non-loop rates fall within a reasonable TELRIC range. Thus, although Verizon's rate reductions may not "cure" a TELRIC violation, they give us confidence that Verizon's New Hampshire non-loop rates nonetheless fall within the range that a reasonable applicable of TELRIC principles would produce.

Hampshire and New York UNE-platform per-line per-month prices for non-loop rate elements collectively, and (2) the percentage difference between New Hampshire and New York per-line per-month costs for these non-loop elements collectively, based on the Synthesis Model.[156] For purposes of this comparison, UNE-platform non-loop rate elements are line port, end office switch usage, common transport (including tandem switching), and signaling.[157] We develop per-line per-month prices for these elements for New Hampshire and New York separately by multiplying the state-approved "rates" by per-line demand estimates. State-approved rates for end office switching and transport are imposed on a MOU basis. We develop the per-line per-month overall demand for these usage-sensitive rate elements for New Hampshire and New York separately by first dividing total state-specific switched access lines into state-specific total annual MOU, based on dial equipment minutes (DEM), divided by 12 months. We then apply to each of the usage sensitive rate elements a percentage of this overall demand that is based on state-specific traffic assumptions supplied by Verizon regarding originating versus terminating, local intra-switch versus inter-switch, and tandem-routed versus direct-routed MOU.[158]

46. AT&T argues that the alleged TELRIC errors raised in this proceeding cannot be surmounted by means of a benchmark analysis to non-loop rates in New York.[159] According to AT&T, it is not appropriate to use the Synthesis Cost Model to make cost-adjusted state-to-state comparisons of non-loop rates in rural states because that model substantially overstates non-loop costs in rural states relative to less rural states.[160] AT&T concludes that, as a result, any comparison substantially overstates any such cost justification for non-loop rate differences.[161] Specifically, AT&T argues that the Synthesis Model overstates these non-loop cost differences for transport and for tandem switching and, thus, any switching-related benchmark analysis should, at the very least, exclude these costs.[162] Using its own analysis, AT&T concludes that

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[156] We adjust the costs derived from the Synthesis Model to make them comparable to UNE-platform costs. *See Verizon Pennsylvania Order*, 16 FCC Rcd at 17458, para. 65 n.249.

[157] We also note that Verizon's New York non-loop rates contain both a digital and an analog port rate. For purposes of our benchmark analysis, we have used Verizon's New York digital port rate of $2.57, rather than the analog port rate of $4.22, or any blend of the two rates. The New York rate structure uses the digital port rate of $2.57 as the rate charged for ports that are purchased as part of the UNE-platform.

[158] *See* Verizon Hickey/Garzillo/Anglin Decl. at 21-22, paras. 60-62; Letter from Richard T. Ellis, Director, Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-157 (filed July 17, 2002) (Verizon July 17 *Ex Parte* Letter) (providing a revised time-of-day breakdown based upon STRAPS data).

[159] Comments of AT&T at 6-7.

[160] *Id.* at 6; AT&T Lieberman Decl. at para. 11. *See also* AT&T Reply at 3.

[161] Comments of AT&T at 6; AT&T Lieberman Decl. at para. 11.

[162] Comments of AT&T at 7; AT&T Lieberman Decl. at para. 14. *See also* David Levy, Counsel to AT&T, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-157 at 2 (filed Sept. 20, 2002) (AT&T Sept. 20 *Ex Parte* Letter).

Verizon's New Hampshire switching rates do not pass a benchmark comparison with New York's switching rates.[163] AT&T also argues that TELRIC rates are calculated on the basis of individual elements and that Verizon must show that the rates for *each* of its UNEs complies with TELRIC principles.[164] According to AT&T, because Verizon's switching rates cannot be justified based on a valid benchmark comparison, Verizon must prove that its New Hampshire switching rates are TELRIC-compliant using a stand-alone analysis of the underlying cost proceeding, which Verizon has failed to do.[165]

47. For the reasons stated below, we do not agree with AT&T that we must reject a benchmark of New Hampshire non-loop rates against New York non-loop rates because of alleged flaws in the Synthesis Model. The Commission developed an extensive record through a rulemaking proceeding over several years to support its conclusion that the Synthesis Model accurately reflects the relative cost differences between states.[166] The differential produced by the cost model reflects variations in forward-looking costs based on objective criteria, such as density zones and geological conditions.[167] AT&T was an active participant in that rulemaking. Our Synthesis Model, like any model, may not be perfect. It is, however, the best tool we have for evaluating cost differences between states. In fact, in the context of universal service, AT&T has supported the Synthesis Model before the Commission and before the appellate courts.[168] Moreover, the transport portion of the Synthesis Model that AT&T criticizes is taken directly from the HAI cost model, the cost model that AT&T has championed in numerous states for ratemaking purposes, including New Hampshire.[169]

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163 Comments of AT&T at 7; AT&T Lieberman Decl. at para. 15; AT&T Reply at 3.

164 AT&T Comments at 7; AT&T Lieberman Decl. at 7, para. 16; AT&T Reply at 3, 4-5. In support of its argument that the Commission must look at the rates for each individual elements, AT&T cites to section 252(d)(1), which states that a BOC's rates for a network element comply with checklist item two only if they are "based on the cost . . . of providing . . . *the* network element." AT&T Comments at 7 (citing 47 U.S.C. § 252 (d)(1)); (emphasis in AT&T Comments). *See also* AT&T Sept. 20 *Ex Parte* Letter at 1.

165 AT&T Comments at 7-8.

166 *See SWBT Kansas/Oklahoma*, 16 FCC Rcd at 6277, para. 84; *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Ninth Report and Order and Eighteenth Order on Reconsideration, 14 FCC Rcd 20432, 20455-56, paras. 41-42 (1999), *aff'd in part and rev'd in part on other grounds*, *Qwest Corp. v. FCC*, 258 F.3d 1191 (10th Cir. 2001).

167 *See Federal-State Joint Board on Universal Service*, CC Docket Nos. 96-45 and 97-160, Tenth Report and Order, 14 FCC Rcd 20156, 20170, para. 30 (1999), *aff'd*, *Qwest Corp. v. FCC*, 258 F.3d 1191 (10th Cir. 2001).

168 *See* Letter from Richard T. Ellis, Director, Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-157 at 2 (filed Aug. 6, 2002) (citing *Qwest Corp. v. FCC*, 258 F.3d 1191, 1206 (10th Cir. 2001)) (Verizon Aug. 6 *Ex Parte* Letter).

169 *Id.* at 4.

48. We reject AT&T's contention that the relief it seeks is limited and would not compromise the ability of the Commission to rely on the Synthesis Model in other contexts.[170] The relief sought by AT&T would only be necessary upon a finding that the Synthesis Model does not in all instances accurately reflect cost differences. Given that the Synthesis Model is designed to account for relative cost differences between states for the purpose of apportioning universal service support, we are not persuaded by AT&T's attempt to downplay the potential implications of the conclusion inherent in the relief sought, especially since such a conclusion would have industry-wide significance beyond the section 271 application process.

49. A re-examination of the Synthesis Model is an immensely complicated inquiry not suited to the section 271 process. We could not consider AT&T's argument in isolation as we would have to consider other arguments concerning the accuracy of the Synthesis Model, including those raised by Verizon that the Synthesis Model understates switching costs in rural states.[171] Given its complexity, breadth and industry-wide significance, such an inquiry is simply not feasible within the 90-day review period required by Congress.[172] As the Commission made clear in the *SWBT Texas Order*, Congress designed section 271 proceedings as "highly specialized, 90-day proceedings for examining the performance of a particular carrier in a particular [s]tate at a particular time. Such fast-track, narrowly focused adjudications . . . are often inappropriate forums for the considered resolution of industry-wide local competition questions of general applicability."[173] Clearly, any conclusion concerning the ability of the Synthesis Model accurately to account for cost differences between states would have industry-

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[170] AT&T Reply at 9; AT&T Reply, Declaration of Michael R. Lieberman and Brian F. Pitkin at 10-11, para. 23 (AT&T Lieberman/ Pitkin Reply Decl.). Verizon argues that, if AT&T's contentions regarding the Synthesis Model are correct, the Synthesis Model could not "validly be used to measure the relative cost differences across states for allocating universal service support . . . ." Verizon Aug. 6 *Ex Parte* Letter at 2. AT&T responded that "[c]onsidering the switching-only benchmark analysis offered by AT&T . . . does not require the Commission to resolve broader issues such as the continued appropriateness of using the Synthesis Model 'to determine relative cost levels for universal service, benchmarking, or any other purpose.'" AT&T Lieberman/Pitkin Reply Decl. at 10-11, para. 23.

[171] *See* Verizon Aug. 6 *Ex Parte* Letter at 3; Verizon Reply at 15-16. *Cf.* Letter from Richard T. Ellis, Director, Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-157 at 10-11 (filed Sept. 3, 2002) (referencing a quote by the Rural Task Force that the Synthesis Model underestimates central office switching investment and operations expenses for carriers serving rural areas) (Verizon Sept. 3 *Ex Parte* Letter). *But cf.* Letter from David M. Levy, counsel to AT&T, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-157 at 3 (filed Sept. 5, 2002) (explaining that the focus of the quote by the Rural Task Force referenced by Verizon was on rural carriers, not the rural operations of Verizon and other BOCs) (AT&T Sept. 5 *Ex Parte* Letter). *See also* AT&T Sept. 20 *Ex Parte* Letter at 3 (addressing further Verizon's claim that the Synthesis Model tends to understate switching costs in rural areas) and Verizon Sept. 20 *Ex Parte* Letter at 7-8 (responding further to AT&T Sept. 5 *Ex Parte* Letter).

[172] Indeed, an evaluation of AT&T's criticisms alone would be a complicated endeavor. *See* Verizon Aug. 6 *Ex Parte* Letter at 2-4. *See also* Letter from Richard T Ellis, Director, Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-157 at 6 (filed Sept. 20, 2002) (Verizon Sept. 20 *Ex Parte* Letter).

[173] *SWBT Texas Order*, 15 FCC Rcd at 18366, para. 25.

wide significance. Further, even if it were appropriate to consider these allegations here, AT&T failed to quantify the magnitude of the alleged flaws, so we would be unable to determine whether AT&T's criticisms would result in any significant change in rates. Accordingly, we decline to benchmark Verizon's New Hampshire switching rates separately based on a claim that the Synthesis Model fails to accurately reflect costs and, hence, cost differences.

50. Further, although we do not dispute the fact that TELRIC rates are calculated on the basis of individual elements, we find that conducting a benchmark analysis of non-loop elements together, as the Commission has done in all prior section 271 orders relying on a benchmark comparison, is consistent with our obligations under the Act. In adjudicating a section 271 application, the Commission's role is to perform a "general assessment of compliance with TELRIC principles."[174] Our benchmark analysis is a method of making the general assessment as to whether UNE rates fall within the range of rates that TELRIC principles would produce. We make only a general assessment of UNE rates in the context of a section 271 proceeding, as the Commission could not, as a practical matter, evaluate every single individual UNE rate relied upon in a section 271 proceeding within the 90-day timeframe. AT&T asks us to examine switching rates only, and makes its statutory arguments in that limited context. But, under AT&T's interpretation of the statute, the Commission may be required to evaluate individually every UNE rate relied upon in this proceeding. Given the large number of rates at issue in a section 271 proceeding[175] and the 90-day timeframe, we find that our interpretation of our obligation under the statute is a reasonable one.[176]

51. Although AT&T cites to section 252(d)(1) in support of its current preferred version of the benchmark test, we note that section 271(c)(2)(B)(ii) defines our role in this proceeding. Under that subsection, we must decide whether a BOC provides access to network elements "in accordance with the requirements of sections 251(c)(3) and 252(d)(1)."[177] In so deciding, we must exercise our judgment within the context of the compressed 90-day deadline imposed by section 271.[178] Under section 271, our role is to make a generalized decision as to

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[174] *See Sprint v. FCC*, 274 F.3d at 556; *AT&T Corp. v. FCC*, 220 F.3d at 615.

[175] For instance, in support of its New Hampshire 271 application, Verizon filed 38 pages of rate sheets containing numerous rates on each sheet. *See* Verizon Hickey/Garzillo/Anglin Decl. at Attach. 1.

[176] Indeed, some states do not have separate rate elements for some UNEs that other states have. For example, New York has a separate rate element for signaling and end office trunk ports; however, New Jersey and Delaware include these elements in the per-minute switching rate. *See, e.g., Verizon New Jersey Order*, 17 FCC Rcd at 12297, para. 52.

[177] 47 U.S.C. § 271(c)(2)(B)(ii).

[178] *Cf.*, *AT&T Corp. v. FCC*, 220 F.3d at 621-23.

whether network elements are available in accordance with section 252(d)(1). This is not, and cannot be, a *de novo* review of state-rate setting proceedings.[179]

52. In addition, we do not believe that the statutory language supports AT&T's view that section 252(d)(1) clearly requires us to evaluate individually the checklist compliance of each of more than 150 UNE rates on an element-by-element basis. AT&T argues that, because section 252(d)(1) refers to the term "network element" in the singular, a BOC can comply with checklist item two of section 271 only if it shows "that the rates for each of its network elements--including switching--complies [sic] with TELRIC principles."[180] The relevant statutory provisions, however, do not refer to the term "network element" exclusively in the singular and, thus, we do not believe that the statute unambiguously requires this Commission to perform a separate evaluation of the rate for each network element in isolation. Section 252(d)(1) states, in relevant part, that "[d]eterminations by a State commission of … the just and reasonable rate for *network elements* for purposes of [section 251(c)(3)] … shall be based on the cost … of providing the … network element".[181] In addition, section 271(c)(2)(B)(ii) requires a BOC to provide "[n]ondiscriminatory access to *network elements* in accordance with the requirements of sections 251(c)(3) and 252(d)(1)."[182] Notably, AT&T's own proposed method of benchmarking is inconsistent with its argument that the text of the Act ***requires*** evaluating each element in isolation. Specifically, AT&T argues that the Commission should separately compare three categories of elements: loops, non-loop, and switching.[183] Yet these categories--like the Commission's approach -- entail aggregating distinct elements for benchmarking purposes; for example, AT&T's "switching" category includes costs associated with signaling,[184] and the "non-loop" category includes costs associated with tandem switching and shared transport.[185] Thus, AT&T effectively concedes that ***some*** degree of aggregation is appropriate in conducting a benchmarking analysis; it simply disagrees about the optimum level of aggregation. For the reasons set forth here and in our prior orders, we construe the statute to permit a BOC to show that it complies with checklist item two based on a benchmark analysis of non-loop elements in the aggregate.

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179 *Sprint v. FCC*, 274 F.3d at 556. Our role is not to set UNE rates but, rather, to make a general assessment as to whether the rates set by the state comply with the statute.

180 AT&T Comments at 7.

181 47 U.S.C. § 252(d)(1) (emphasis added).

182 47 U.S.C. § 271(c)(2)(B)(ii) (emphasis added).

183 *See* AT&T Sept. 20 *Ex Parte* Letter at 2 (stating that AT&T is proposing to add *one* additional benchmark analysis to the two already recognized by the Commission) (emphasis in original).

184 AT&T Lieberman Decl. at 6, para. 14. *See also* AT&T Sept. 20 *Ex Parte* Letter at 2 (stating that AT&T's benchmark analysis of Verizon's switching prices includes the rates and costs "of *all* the other nonloop elements that arguably have costs in common with switching") (emphasis in original).

185 *See supra* discussion on "non-loop" elements at section III.B.1.b.ii.

53. Our long-standing practice of benchmarking non-loop rates in the aggregate is a reasonable exercise of our judgment in making the general assessment of whether rates fall within the reasonable range that application of TELRIC principles would produce.[186] The benchmark test as presently constituted reflects the practicalities of how UNEs are purchased and used. Because the transport and switching UNEs are, to our knowledge, not purchased separately in the Verizon states, for us to implement a UNE-by-UNE benchmark test for these elements would "promote form over substance, which, given the necessarily imprecise nature of setting TELRIC-based pricing, is wholly unnecessary."[187] Our benchmark analysis allows us to conduct a competitively meaningful analysis based on the way UNEs are actually purchased, as discussed below, and we find that this approach is reasonable under the circumstances.

54. As noted above, as a practical matter, combining unbundled switching and unbundled transport for benchmarking purposes makes sense because competing LECs throughout Verizon's territory invariably purchase them together.[188] Indeed, in the *UNE Remand Order*, the Commission acknowledged that "shared transport is technically inseparable from unbundled switching" and thus, requesting carriers did not have the option of using unbundled shared transport without also taking unbundled switching.[189] Although it is theoretically possible to take unbundled switching without taking unbundled transport in New Hampshire, it is uncontroverted in this record that competitive LECs have "*never* ordered switching without also ordering transport."[190] According to Verizon, the same is true for the entire Verizon region.[191] We are not convinced that considering switching in combination with transport "ignores the basic competitive policies that are implicit in any rational economic

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[186] *See, e.g.*, *Verizon Massachusetts Order*, 16 FCC Rcd at 9001, para. 25; *Verizon Pennsylvania Order*, 16 FCC Rcd at 17458, para. 66; *Verizon New Jersey Order,* 17 FCC Rcd at 12296, para. 51. We note that the New Hampshire Commission relied on our non-loop benchmark precedent in approving Verizon's proposed rate reductions.

[187] *Id.* at 561.

[188] Verizon Aug. 6 *Ex Parte* Letter at 5 (citing *Verizon Rhode Island Order*, 17 FCC Rcd at 3320-21, para. 40). Verizon suggests that analyzing these rates independently of one another is of no economic significance because competitive LECs have never ordered switching without ordering transport. *Id. See also* Verizon Sept. 20 *Ex Parte* Letter at 6-7.

[189] *UNE Remand Order*, 15 FCC Rcd at 3863, para. 371.

[190] Verizon Aug. 6 *Ex Parte* Letter at 5 (emphasis in original).

[191] *See* Letter from Richard T. Ellis, Director, Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-157 at 6 (filed Sept. 3, 2002) (stating that competitive LECs have not ordered switching and shared transport independently anywhere in Verizon's region, and that AT&T itself is unable to identify a single instance where it or any other competitive LEC has done so). Verizon further notes that the Commission required that shared transport be offered as a UNE because it agreed with arguments made by competitive LECs, including AT&T, that it would be impracticable to order unbundled switching with dedicated transport purchased from the incumbent LEC or transport purchased from a competitive LEC, and that competitive LECs that purchased switching would, as a practical matter, require shared transport as well. *Id.* at 7.

interpretation of [s]ection 271," as AT&T alleges.[192] AT&T maintains that pricing these individual elements correctly may provide the proper incentives to purchase switching independently.[193] Nevertheless, AT&T failed to provide any evidence that it, or any other competitive LEC, orders switching separate from transport in any state with TELRIC-compliant UNE rates. Thus, we have no evidence that the relief sought by AT&T would effectuate a change in the way competitors purchase non-loop elements. In a prior 271 proceeding, AT&T presented its rate analysis in terms of the cost of "non-loop," a recognition that this is, in fact, how the elements are purchased and, therefore, how they should be reviewed by the Commission.[194] Furthermore, benchmarking non-loop elements in the aggregate may be useful to help account for rate structure differences between states.[195] For these reasons, we decline here to disturb the Commission's well-established precedent of combining non-loop elements for the purposes of conducting a benchmark comparison. Because we find that using a non-loop benchmark is reasonable, we need not consider whether Verizon passes a stand-alone switching benchmark comparison.[196]

55. Having determined above that an aggregate non-loop benchmark is appropriate and that the New York rates are appropriate rates for the benchmark comparison, we compare Verizon's New Hampshire non-loop rates to the New York non-loop rates using our benchmark analysis and find that Verizon's New Hampshire non-loop rates satisfy our benchmark analysis.[197]

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[192] AT&T Reply at 4; AT&T Lieberman/Pitkin Reply Decl. at 3, para. 5.

[193] AT&T Reply at 6-7; AT&T Lieberman/Pitkin Reply Decl. at 3-5, paras. 6-10. *See also* AT&T Sept. 20 *Ex Parte Letter* at 2.

[194] In the Verizon Massachusetts section 271 proceeding, the first proceeding where the Commission conducted a non-loop benchmark, AT&T presented the non-loop elements in the aggregate for comparison. *See Application of Verizon New England Inc., Bell Atlantic Communications, Inc. (d/b/a Verizon Long Distance), NYNEX Long Distance Company (d/b/a Verizon Enterprise Solutions), and Verizon Global Networks Inc., For Authorization to Provide In-Region, InterLATA Services in Massachusetts*, CC Docket No. 01-9, AT&T Comments at 20.

[195] *See Verizon New Jersey Order*, 17 FCC Rcd at 12297, para. 52 (stating that "aggregating per-minute switching with other non-loop rates such as port, signaling, and transport rates appropriately accounts for, among other things, rate structure differences between states").

[196] *See* Verizon Sept. 3 *Ex Parte* Letter at 10-12; AT&T Sept. 5 *Ex Parte* Letter at 2-4; *see also AT&T v. FCC*, 220 F.3d at 628-30. Also, as we explain in paras. 47-49 *supra*, given the 90-day review period and narrow focus of section 271 authorization proceedings, issues concerning other uses of the Synthesis Model are more appropriately addressed in a proceeding where their implications industry-wide can be evaluated.

[197] Verizon's New Hampshire non-loop rates are 11.5 percent higher than New York non-loop rates. Comparing the weighted average costs, we find that the New Hampshire non-loop costs are 17.67 percent higher than the New York non-loop costs. Because the percentage difference between Verizon's New Hampshire non-loop rates and the New York non-loop rates does not exceed the percentage difference between Verizon's non-loop costs in New Hampshire and Verizon's non-loop costs in New York, we conclude that Verizon's New Hampshire non-loop rates satisfy our benchmark analysis.

(iii) Temporary or Interim Rates

56. In its comments, BayRing claims that Verizon's New Hampshire UNE rates are not "final and permanent" because they include voluntary rate reductions and because a new proceeding was recently initiated to address UNE cost issues.[198] We first address BayRing's claim that the voluntary rate reductions proposed by Verizon and agreed to by the New Hampshire Commission in the state 271 proceeding result in rates that are not final or permanent.[199] In support of its claim, BayRing quotes a letter from the Chairman of the Telecommunications Oversight Committee of the New Hampshire legislature stating that Verizon agreed to these rates being "considered temporary in nature as the [state] commission may open a full rate investigation under RSA 378 immediately on receipt of FCC approval."[200] This statement, which is not by the New Hampshire Commission, acknowledges that the rate reductions agreed to by Verizon may be altered in the future if the New Hampshire Commission initiates a new rate proceeding, which it has done. But this letter sets no limit on the effective term of the rates. These rates are currently in effect in Verizon's SGAT and are not now subject to any future true-up, and nothing in the June 14 Opinion Letter issued by the New Hampshire Commission in its section 271 proceeding suggests that the rate reductions made to comply with condition two are interim in any way. In its reply, Verizon confirms that these reduced rates were approved by the New Hampshire Commission as permanent rates.[201]

57. Moreover, the fact that the New Hampshire Commission recently opened a new rate proceeding to update existing UNE cost inputs and rates does not by itself indicate that existing rates are temporary or interim. The Commission has recognized that rates may well evolve over time to reflect new information on cost study assumptions and changes in technology, engineering practices, or market conditions.[202] States review their rates periodically to reflect changes in costs and technology, and the Commission has found checklist compliance in several 271 proceedings where the state commission was engaged in, or about to initiate, a proceeding to revisit UNE rates.[203] Nothing in the Act or our rules requires us to consider only

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198 BayRing Comments at 24. According to BayRing the rate reductions agreed to by Verizon are a "band-aid to Verizon's application that will be subject to possible removal once Verizon obtains [s]ection 271 authority." *Id.* at 25.

199 BayRing Comments at 24-25.

200 *Id.* at 24.

201 Verizon Hickey/Garzillo/Anglin Reply Decl. at 2, paras. 5-6.

202 *Bell Atlantic New York Order*, 15 FCC Rcd at 4085-86, para. 247.

203 Verizon Hickey/Garzillo/Anglin Reply Decl. at 2, para. 6. *See, e.g., Joint Application by BellSouth Corporation, BellSouth Telecommunications, Inc., And BellSouth Long Distance, Inc. for Provision of In-Region, InterLATA Services in Georgia and Louisiana,* 17 FCC Rcd 9018, 9066, para 96 (2002) (*BellSouth Georgia/Louisiana Order*); *Verizon Rhode Island Order*, 17 FCC Rcd at 3317, para. 31; *Verizon Massachusetts Order*, 16 FCC Rcd 9005, para. 36; *Bell Atlantic New York Order*, 15 FCC Rcd at 4085-86 , para 247.

section 271 applications containing rates approved within a specific period of time before the filing of the application itself. Such a requirement would not necessarily be relevant to whether an applicant's rates are TELRIC-based. Moreover, it would likely limit the ability of incumbent LECs to file their section 271 applications to specific windows of opportunity immediately after state commissions have approved new rates to ensure approval before the costs of inputs have changed. There is no indication that the Communications Act, which directs us to complete our section 271 review process within 90 days, was intended to burden the incumbent LECs, the states, or the Commission with the additional delays and uncertainties that would result from such a requirement. As the D.C. Circuit stated, "[i]f new [cost] information automatically required rejection of section 271 applications, we cannot imagine how such applications could ever be approved in this context of rapid regulatory and technological change."[204]

58. BayRing also contends that "permanent" TELRIC-compliant rates should have been established before Verizon filed its application and that there is no evidence of present compliance with the statutory conditions for entry.[205] According to BayRing, under Verizon's approach, a section 271 applicant need only "float the notion of a future rate proceeding as remedy to deficiencies in its rates."[206] BayRing's argument here again is premised on the notion that some of Verizon's current New Hampshire UNE rates are temporary and that its permanent rates are not TELRIC-compliant.[207] Above, we explain why Verizon's New Hampshire UNE rates are not temporary or interim, and also discuss the specific TELRIC violations alleged by the commenters and find that Verizon's reduced UNE rates fall within the range that a reasonable TELRIC-based rate proceeding would produce. Thus, we cannot agree with

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[204] *AT&T v. FCC,* 220 F.3d at 617.

[205] BayRing Comments at 25. BayRing notes that the New Hampshire Commission has not yet formally approved Verizon's compliance filing in Docket DT 01-206 and that, at the time, Verizon had not yet made its compliance filing for loop conditioning. BayRing Comments at 25 n.82. On July 26, 2002, Verizon submitted its compliance filing for loop conditioning. *See* Letter from Alan S. Cort, Director, Regulatory, Verizon, to Debra Howland, Executive Director and Secretary, New Hampshire Public Utilities Commission, DT 01-206, at 1 (filed Jul. 26, 2002). On August 21, 2002, the New Hampshire Commission concluded that revisions to Verizon's SGAT "are in compliance with Order No. 23,948," the *UNE Remand Order*, and closed Docket No. DT 01-206. *See* Letter from Richard T Ellis, Director, Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-157 (filed Sept. 4, 2002) (attaching Letter from Debra A. Howland, Executive Director and Secretary, New Hampshire Public Utilities Commission, to Michael J. Hickey, President and CEO, Verizon New Hampshire, DT 01-206, at 1 (filed Aug. 21, 2002)).

[206] BayRing Comments at 26.

[207] BayRing further states that the New Hampshire Commission "would not have asked Verizon to make across-the-board reductions in rates if it felt that its pricing methodology was truly in conformance with the [Commission]'s pricing principles. Verizon's failure to make these concessions means that it continues to remain in non-compliance." BayRing Comments at 26. As discussed above, because Verizon relies on a benchmark comparison to demonstrate that its rates fall within the reasonable range that correct application of TELRIC principles would produce, we need not address BayRing's contentions.

BayRing's statement that there is no evidence of present compliance with the statutory conditions for entry.

(iv) Switching Rate Structure

59. In addition to the other alleged TELRIC violations, AT&T argues that Verizon has inappropriately included 25 percent of the total switch investment, i.e., the "getting started costs" in the minute-of-use rate element.[208] According to AT&T, these costs should be assigned to the fixed rate element because the processor utilization is such that traffic could continue to grow without exhausting the processor.[209] AT&T claims that this misassignment will result in "severe cost over recovery as minutes grow and Verizon collects increased revenues, but its fixed costs remain static."[210]

60. We have reviewed AT&T's claim that the switching cost allocation adopted by the New Hampshire Commission constitutes a TELRIC violation, and we conclude that the New Hampshire Commission did not commit any clear error by allowing Verizon to recover its "getting started costs" on a minute-of-use basis. In establishing prices, the state commissions retain the discretion to consider a variety of factors.[211] The New Hampshire Commission concluded that our methodology "does not require that the 'getting started' costs be recovered in one fixed charge applied equally to each interconnecting [competitive] LEC, nor does it rule out the possibility of recovering such 'getting started' costs via a usage sensitive charge, including a charge based on minutes of use."[212] We find that the New Hampshire Commission's determination that recovery of the "getting started" costs via a minute-of-use ("MOU") charge is consistent with TELRIC and the Commission's rules.

61. The processor is a shared facility and our rules explicitly grant states the discretion to recover the costs of shared facilities on a usage-sensitive basis. Specifically, the Commission's rules provide that the costs of dedicated facilities shall be recovered through flat-

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208 AT&T Comments at 20; AT&T Pitts/Baranowski Decl. at 13-14, para. 20.

209 AT&T Comments at 20; AT&T Pitts/Baranowski Decl. at 13-14, para. 20.

210 AT&T Comments at 20; AT&T Pitts/Baranowski Decl. at 13-14, para. 20. AT&T states that this misallocation is especially significant in New Hampshire because Verizon models its network with 100 percent Lucent switches and Verizon has misassigned the Lucent Equivalent POTS Half Calls. AT&T Pitts/Baranowski Decl. at 14, para. 21.

211 *Verizon Maine Order*, 17 FCC Rcd at 11676, para. 29; *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6266, para 59, *aff'd*, *Sprint v. FCC*, 274 F.3d at 556; *Bell Atlantic New York Order*, 15 FCC Rcd at 4084, para. 244; *see also Local Competition First Report and Order*, 11 FCC Rcd at 15559, para. 114.

212 *New Hampshire SGAT Recon. Order* at 28-29. The New Hampshire Commission also found that AT&T failed to point to record evidence upon which that commission could implement the segregation of getting started costs and the fixed monthly per-switch recovery of such costs. *Id.* at 29.

rated charges[213] and that the costs of shared facilities shall be recovered through either usage-sensitive charges or flat-rated charges "if the state commission finds that such rates reasonably reflect the costs imposed by the various users."[214] In the *Local Competition Order*, we recognized that it is appropriate to recover the costs of shared facilities from customers sharing the facility through either usage-sensitive or flat-rated charges.[215] The Commission's rules also provide that local switching costs shall be recovered through a combination of a flat-rated charge for line ports, which are dedicated facilities, and one or more flat-rated or per-minute usage charges for the switching matrix and trunk port, which are shared facilities.[216] The Commission, declined, however, to prescribe the appropriate allocation of switching costs as between the line port, which must be flat-rated, and the switching matrix and trunk ports. Because the Commission did not prescribe a specific allocation, the states retain the flexibility to adopt an allocation within a reasonable range.[217] Because some portion of switching costs is fixed, an allocation of 100 percent of the switching costs to the MOU element would be unreasonable *per se*.[218] The New Hampshire Commission's allocation of the "getting started" costs to the MOU element, however, is not unreasonable when considered in conjunction with other allocations it made to the fixed rate element.

(v) Dark Fiber Over Recovery

62. BayRing claims that Verizon double recovers capital costs through its loop and dark fiber charges because Verizon is recovering the same capital costs for loop fiber through its lit loop charges and dark fiber loop charges.[219] Similarly, BayRing contends that Verizon is recovering the same capital costs for interoffice fiber both through its interoffice transport charges and dark fiber transport charges.[220] This argument was raised by competitive LECs in the state UNE remand proceeding. There, competitive LECs contended that, because dark fiber is provisioned out of spare lit fiber, loop and transport buyers are already currently paying for the spare fiber capacity because it was factored into the cost of lit fiber.[221]

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213 47 C.F.R. § 51.507(b).

214 *Id*. § 51.507(c).

215 *Local Competition Order*, 11 FCC Rcd at 15878, paras. 755, 757, 810.

216 *Id*. at para. 810; 47 C.F.R. § 51.509(b).

217 *Verizon Maine Order*, 17 FCC Rcd at 11676, para. 29.

218 *Id.*

219 BayRing Comments at 21.

220 *Id.*

221 *New Hampshire UNE Remand Order* at 17.

63. We find that, with regard to transport charges, the New Hampshire Commission took reasonable steps to address the potential for over recovery as between lit and dark fiber. In the *New Hampshire UNE Remand Order*, after considering the potential for over recovery as between charges for lit and dark fiber, the New Hampshire Commission adopted a fill factor of 80 percent for inter-office fiber cable and for the central office FDF equipment.[222] In that proceeding, New Hampshire Commission Staff pointed out that a 100 percent fill factor would cause customers of lit fiber to pay a disproportionate amount for spare capacity.[223] To address this concern, the New Hampshire Commission Staff recommended an 80 percent fill factor in the cost studies for both lit fiber and dark fiber.[224] Further, the facilitator pointed out to the New Hampshire Commission that there are some capacity costs associated with the actual provisioning of dark fiber and thus, some amount of fill factor was appropriate.[225] For these reasons, the New Hampshire Commission determined that an 80 percent fill factor for both lit and dark fiber was appropriate.[226]

64. We do not find the New Hampshire Commission's decision concerning transport charges to be clear error. Because the rates for lit fiber were established in the SGAT proceeding, which preceded the state UNE remand proceeding, the New Hampshire Commission was faced with the difficult task of establishing dark fiber loop and dark fiber transport rates after it had already established lit fiber rates in the SGAT proceeding, which were intended to fully recover Verizon's capital costs. There is no obvious reason why inter-office assets that are used to provide both lit and dark fiber should differ, e.g., the fiber in the ground and the central office FDF equipment are utilized to provide both lit and dark fiber. The New Hampshire Commission therefore reasonably required that costs for the same inter-office assets recovered in dark and lit fiber rates be based on the same fill factor. By adjusting the transport fill factor for both lit and dark fiber, the New Hampshire Commission attempted to address the potential for over recovery by Verizon and we conclude that this solution was reasonable under the circumstances.[227]

65. The same issue arises with regard to dark and lit fiber for loop facilities. The record indicates that, in considering the potential for over recovery as between lit and dark

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222 *Id.* at 20.

223 *Id.* at 17-18.

224 *Id.* at 18.

225 *Id.*

226 *Id.* at 19-20.

227 To the extent that BayRing believes that the transport cost studies have not been amended to reflect the correct fill factor, it would be appropriate to bring any alleged noncompliance to the attention of the New Hampshire Commission.

fiber, the New Hampshire Commission failed to address this issue for loop facilities.[228] No party in that proceeding sought reconsideration of the New Hampshire Commission's decision or appealed the *New Hampshire UNE Remand Order* on this particular issue, and there is no evidence in the record that parties otherwise brought this oversight to the attention of the New Hampshire Commission.[229] In response to questions raised in this proceeding, the New Hampshire Commission has recognized that this issue needs to be considered and has indicated that it "will investigate the issue further and address it if warranted."[230] We find that, under the unique circumstances present here, this issue is best left to the state commission for resolution in the first instance. Above, we find that the New Hampshire Commission crafted a reasonable solution in the case of transport charges and we note that the New Hampshire Commission intends to address this issue in the near term. Because this issue remains open, the Commission will continue to monitor it post-approval. For these reasons, we find that this specific issue does not warrant a finding of checklist noncompliance.

66. For the foregoing reasons, we find that Verizon has demonstrated that its New Hampshire UNE rates satisfy the requirements of checklist item two.

2. Legislative Interference

67. Because we have independently determined that Verizon's UNE rates in New Hampshire satisfy checklist item two, we need not address parties' arguments that the New Hampshire Commission improperly approved Verizon's UNE rates based on undue "legislative interference."[231] Based on these alleged infirmities in the state process, BayRing and AT&T

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228 *See* Letter from E. Barclay Jackson, Esq., Hearings Examiner, New Hampshire Public Utilities Commission, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-157 at 1 (filed Sept. 4, 2002).

229 *See id.*

230 *Id.* at 2. Specifically, the New Hampshire Commission stated that "[n]ow that the [Commission] has raised this issue, [it] will investigate the issue further and address it if warranted." *Id.*

231 *See* BayRing Comments at 5-11; AT&T Reply at 12-14; Desktek Reply Comments at Attachment 2. The gravamen of BayRing's argument is that in its June 14, 2002, letter approving Verizon's section 271 application, the New Hampshire Commission withdrew its March 1, 2002, pricing conditions based on legislative pressure brought to bear, in part, by a series of hearings before the New Hampshire legislature's Telecommunications Oversight Committee. Specifically, in its June 14, 2002, letter the New Hampshire Commission declined to adopt its original condition two, which would have resulted in a reduction in Verizon's loop rates in urban and suburban areas. *New Hampshire Commission June 14 Letter* at 3. BayRing primarily relies on *D.C. Federation of Civic Ass'ns v. Volpe*, 459 F.2d 1231, 1246 (D.C. Cir.), *cert. denied*, 92 S.Ct. 1290 (1972), in which the United States Circuit Court of Appeals for the District of Columbia stated that a federal agency's decision interpreting a statute would be invalid if based in whole or in part on extraneous considerations (i.e., threats to withhold appropriations) rather than the criteria established under the statute. We offer no opinion on the applicability of *Volpe* to the New Hampshire Commission's decision. *Compare Sierra Club v. Costle*, 657 F.2d 298, 409-410 (D.C. Cir. 1981) ("We believe it entirely proper for Congressional representatives vigorously to represent the interests of their constituents before administrative agencies . . . . [A]dministrative agencies are expected to balance Congressional pressure with pressures emanating from all other sources.").

contend that we should accord little weight to the New Hampshire Commission's June 14 letter, which approved Verizon's UNE rates.[232] We recognize that section 271 of the Act requires us to consult with the state commission to verify a BOC's compliance with the requirements for providing in-region interLATA services.[233] Nevertheless, the Commission, using its discretion, must determine what weight to assign a state commission's consultation,[234] and make a general assessment of compliance with all checklist items, including whether the applicant adheres to TELRIC principles.[235] Therefore, in addition to considering the statement of the New Hampshire Commission, we conduct our own benchmark assessment of the reasonableness of Verizon's urban and suburban loop rates, based upon the complete record in this proceeding.[236] Because our independent evaluation of Verizon's New Hampshire UNE rates satisfies us that these rates are within the range that reasonable application of TELRIC principles would produce, we need not reach parties' arguments concerning the appropriate weight to give the New Hampshire Commission's consultation on UNE rates.[237]

3. Pricing of Delaware Unbundled Network Elements

68. Our review of the adoption of UNE rates by the Delaware Public Service Commission (Delaware Commission) indicates that the Delaware Commission demonstrated a significant commitment to and understanding of TELRIC principles. We acknowledge the Delaware Commission's efforts to establish TELRIC-compliant rates based on the information available to it. In conducting our review, we have followed the recommendation of the Department of Justice that we carefully examine the comments criticizing Delaware UNE rates in determining whether Verizon's prices are cost-based.[238] Our review indicates that Verizon's Delaware UNE rates are just, reasonable, and non-discriminatory in compliance with checklist item two.

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[232] AT&T joins BayRing in alleging that the New Hampshire Commission's endorsement of Verizon's application resulted not from "reasoned conviction" but rather from Verizon's exercise of its "political muscle." AT&T Reply at 13.

[233] 47 U.S.C. § 271(d)(2)(B).

[234] *Bell Atlantic New York Order*, 15 FCC Rcd at 3962, para. 20.

[235] *See, e.g. Verizon Maine Order*, 17 FCC Rcd at 11667-68, paras. 15-17; *Verizon Pennsylvania Order*, 16 FCC Rcd at 17453, para. 55. *See also Sprint v. FCC*, 274 F.3d at 556 (When the Commission adjudicates § 271 applications, it . . . makes a general assessment of compliance with TELRIC principles.").

[236] We discuss Verizon's New Hampshire loop prices at section III.B.1.b., *supra.*

[237] We note that New Hampshire loop rates could have been approximately 22 percent higher and New Hampshire non-loop rates approximately 6 percent higher and still have passed a benchmark analysis to New York rates.

[238] Department of Justice Evaluation at 7.

a. Background

69. The Delaware Commission established rates for UNEs in two phases over a four and one-half year period, from December 1996, until June 2002. Phase I began on December 16, 1996, with Verizon's filing of an SGAT setting forth proposed UNE rates, and ended with the adoption of recurring and non-recurring UNE rates on July 8, 1997.[239] Seven competitive LECs or cable companies, including AT&T, WorldCom, Sprint, Connectiv Communications, Inc., (now Cavalier Telephone Mid-Atlantic, Inc.), as well as Delaware Commission staff and the Delaware Department of the Public Advocate, participated in the proceeding.[240] The proceeding included four days of evidentiary hearings, direct testimony of 24 witnesses, rebuttal testimony from nine witnesses, and 93 exhibits.[241] The Delaware Commission-appointed Hearing Examiners issued a lengthy first report and two subsequent reports after two remands from the Delaware Commission.[242] The first remand required the Hearing Examiners to set actual rates based on the Delaware Commission's various determinations regarding the cost models and inputs to be used in determining Delaware UNE rates.[243] In this first remand, the Delaware Commission required Verizon and AT&T to run their competing cost models using the Delaware Commission-mandated inputs, and compared the resulting rates in determining the appropriate, Delaware UNE rates.[244] In the second remand, the Delaware Commission required the Hearing Examiners to further consider the question of whether Verizon recovered its OSS costs twice.[245] All parties were provided an opportunity to file exceptions and present oral argument on all three hearing examiner reports.[246]

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239 Delaware PSC, *Application of Bell Atlantic-Delaware, Inc. for approval of its Statement of Terms and Conditions under Section 252(f) of the Telecommunications Act of 1996*, Order No. 4577, Docket No. 96-324 (rel. July 8, 1997) (*Phase I UNE Rate Order*).

240 *Phase I UNE Rate Order* at 4.

241 *Id*. at 4-5.

242 Delaware PSC, *Application of Bell Atlantic-Delaware, Inc. for approval of its Statement of Terms and Conditions under Section 252(f) of the Telecommunications Act of 1996,* Findings and Recommendations of the Hearing Examiners (rel. Apr. 7, 1997); Findings and Recommendations of the Hearing Examiners on Remand from the Commission (rel. May 9, 1997); Findings and Recommendations of the Hearing Examiners on Further Remand from the Commission (rel. May 27, 1997).

243 Delaware PSC, *Application of Bell Atlantic-Delaware, Inc. for approval of its Statement of Terms and Conditions under Section 252(f) of the Telecommunications Act of 1996,* Interlocutory Order No. 4488 at 5 (rel. Apr. 29, 1997).

244 *Id*. at 5-6.

245 Delaware PSC, *Application of Bell Atlantic-Delaware, Inc. for approval of its Statement of Terms and Conditions under Section 252(f) of the Telecommunications Act of 1996,* Interlocutory Order No. 4508 at 3-4 (rel. May 27, 1997).

246 *Phase I UNE Rate Order* at 6-7.

70. At the conclusion of these lengthy Phase I proceedings, the Delaware Commission refused to adopt any specific cost model, but modified several inputs to the cost studies underlying Verizon's proposed recurring rates, including switching rates. The modified inputs adopted by the Delaware Commission are similar to inputs we have found to be TELRIC compliant in considering previous section 271 applications and are uncontested here. For example, the Delaware Commission adopted a cost of capital of 10.28 percent, FCC-prescribed depreciation rates, fill factors of 79 percent for copper feeder cable and 50 to 75 percent for distribution cable, and switch discounts based on an assumption that 90 percent of Verizon's new switch purchases would be complete replacements and 10 percent would be growth additions or add-ons.[247] The Delaware Commission also accepted Verizon's calculation of per-minute switching rates, which divided total annual usage minutes by usage minutes on a combination of business and some weekend days per year to derive a per-minute rate.[248] For non-recurring charges (NRCs), the Delaware Commission ordered its Hearing Examiners to reconsider Verizon's proposed NRCs in both remands, and, in accordance with their recommendation, ultimately adopted NRCs based on Verizon's non-recurring cost model.[249] Finally, the Delaware Commission expressly adopted the TELRIC pricing standard, despite the fact that the standard's legality had not yet been finally determined by the Supreme Court.[250]

71. As permitted by section 252(e)(6) of the Telecommunications Act,[251] Verizon appealed the Delaware Commission's July 8, 1997 order to federal district court, challenging, in addition to other issues not relevant to this proceeding, the Delaware Commission's prescriptions regarding switch discounts, cost of capital, and depreciation rates. AT&T and Connectiv appealed the Delaware Commission's adoption of final NRCs, claiming that the NRCs failed to satisfy the TELRIC standard. In January 2000, the district court affirmed all of the Delaware Commission's determinations regarding Verizon's recurring rates and its adoption of those rates,

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247 Inputs within these ranges have been approved in the following orders: *BellSouth Georgia/Louisiana Order,* 17 FCC Rcd at 9053, 9054-55 paras. 66, 69-71; *Verizon Rhode Island Order*, 17 FCC Rcd at 3317, para. 30; *Verizon New Jersey Order,* 17 FCC Rcd at 12293-94, paras. 42-44.

248 Verizon's conflicting practice of dividing total usage minutes by usage minutes on only 251 business days per year, rather than usage minutes on business and weekend days, has been hotly contested in other section 271 proceedings. In Vermont and New Jersey, Verizon divides total annual usage minutes by usage minutes on 251 business days per year to determine a per-minute switching rate. See *Verizon Vermont Order*, 17 FCC Rcd at 7640-42, paras. 29-31; *Verizon New Jersey Order,* 17 FCC Rcd at 12295, para. 48. In Delaware, in contrast, Verizon divides total annual usage minutes by usage minutes on 334.15 days (251 business days plus 83.15 weekend and holiday days) to derive per-minute switching rates. Verizon Application, Appen. A, Vol. 5, Tab G, Joint Declaration of Joshua W. Martin III, Patrick A. Garzillo, and Gary Sanford at 25, para. 65 (Verizon Martin/Garzillo/Sanford DE Decl.). This Delaware practice results in lower per-minute switching rates.

249 *Phase I UNE Rate Order* at 28.

250 *Id*. at 13. *See also*, *Verizon Communications, Inc. v. FCC, supra.*

251 47 U.S.C. § 252(e)(6).

referred to here as the Phase I rates, but remanded Verizon's NRCs for further evidentiary hearings to determine whether they complied with the TELRIC standard.[252]

72. On June 5, 2001, the Delaware Commission opened Phase II of its UNE rate proceeding to consider the following issues: (1) revised NRCs that Verizon filed in response to the district court's remand; (2) proposed rates for new UNEs required by the Commission's *UNE Remand Order;* and (3) "whether [the Phase I rates] need to be 'updated' in light of legal directives or other changed circumstances."[253] On June 4, 2002, after once remanding Verizon's proposed NRCs to its Hearing Examiner for further evidence and consideration of the issue of whether Verizon's non-recurring cost model complied with the TELRIC standard and the district court's remand,[254] the Delaware Commission adopted final NRCs.[255] In adopting these NRCs, the Delaware Commission ordered significant adjustments to the inputs to Verizon's non-recurring cost model, and ordered changes to certain NRCs.[256] Further, the Delaware Commission reduced Verizon's common cost factor from 10 percent to 5.95 percent and ordered Verizon to recalculate its Phase II rates using this new common cost factor.[257] Finally, the Delaware Commission refused AT&T's request to update inputs to switching and other rates adopted in Phase I.[258]

73. On August 30, 2002, Verizon filed new, reduced switching rates with the Delaware Commission that compare much more closely to switching rates in other states where Verizon has received section 271 approval. These rates are now in effect.[259] These rates, which

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252 *Bell Atlantic v. McMahon*, 80 F. Supp. 2d 218, 226, 236-242, 249-250 (D. Del. 2000).

253 Delaware PSC, *Application of Bell Atlantic-Delaware, Inc. for approval of its Statement of Terms and Conditions under Section 252(f) of the Telecommunications Act of 1996*, *Phase II,* Order No. 5735 at 5-6, Docket No. 96-324, (rel. June 5, 2001) (*Phase II Announcement Order*).

254 Delaware PSC, *Application of Verizon Delaware Inc. (F/K/A Bell Atlantic-Delaware, Inc.), for approval of its Statement of Terms and Conditions Under Section 252(f) of the Telecommunications Act of 1996*, *Phase II,* Order No. 5896, Docket No. 96-324 (rel. Feb. 19, 2002). The Delaware Commission also asked the Hearing Examiner to determine the appropriate amount of any non-recurring expedite premium and whether the common cost factor should be adjusted to reflect savings from the NYNEX and GTE mergers. *Id.*

255 Delaware PSC, *Application of Verizon Delaware Inc. (F/K/A Bell Atlantic-Delaware, Inc.), for approval of its Statement of Terms and Conditions Under Section 252(f) of the Telecommunications Act of 1996*, *Phase II*, Order No. 5967, Docket No. 96-324 (rel. June 4, 2002) (*Phase II UNE Rate Order*).

256 *Phase II UNE Rate Order* at 7, 32-35, 38-39, 37-38, 35-36.

257 *Id.* at 13.

258 *Id*. at 8-10.

259 Verizon Aug. 30, Sept. 9, Sept. 13 and Sept. 20 *Ex Parte* Letters. *See also* Delaware PSC (last visited Sept. 24, 2002) <http://www.state.de.us/delpsc/major/jac_8_30_ltr.pdf> (posting letter from Julia Conover, Vice President and General Counsel, Delaware, Verizon, to Karen Nickerson, Secretary, Delaware Public Service Commission, stating: "These new rates will be applicable to all [competitive] LECs operating in Delaware and shall remain in effect until the [Delaware] Commission otherwise modifies the rates.").

we refer to as Verizon's reduced switching rates, are the rates Verizon relies on in seeking section 271 approval in this proceeding, and our analysis is premised on the reduced rates being in effect. In addition, on August 12, 2002, Verizon filed a new feature change NRC of $5.98, reduced from $9.01, to correct its failure to comply with the Delaware Commission's order to use shorter work times for feature change tasks compiled by an independent consultant, rather than Verizon's internal, longer work time estimates.[260]

b. Delaware Switching Rates

74. AT&T and WorldCom attack Verizon's former Delaware switching rates on several grounds. While, notably, neither attack the Phase I proceeding on switching rates, both AT&T and WorldCom argue that the data underlying Verizon's switching rates is so old that the rates cannot be forward-looking or TELRIC compliant.[261] AT&T adds that one of the most significant inputs to Verizon's switching cost model, the discounts received on switch purchases, have become much deeper in the seven years since the Delaware UNE rate case began.[262] AT&T also points out that Verizon's Delaware switching rates were adopted before the NYNEX and GTE mergers, which generated large cost savings for Verizon that are not reflected in its rates.[263] AT&T made these same claims to the Delaware Commission in the Phase II proceedings, but the Delaware Commission declined to reexamine the Phase I switching rates.[264] AT&T contends that failing to update inputs to the switching cost model has a significant impact on UNE rate levels. To support this claim, AT&T provides two new analyses here that supplement the arguments it made to the Delaware Commission. One analysis indicates that Verizon experienced a 25 percent decline in switching investment on a per-minute-of-use basis between 1996 and 2001.[265] A second analysis indicates that, due to possible errors in Verizon's inputs to the Switching Cost Investment System (SCIS) model used to determine switching costs, Verizon's Delaware switching rates allow it to over recover its switching investment by 126 percent.[266] WorldCom adds that when the Delaware Commission reduced Verizon's common cost factor from 10 percent to 5.95 percent in Phase II of its UNE rate proceeding, it should have ordered Verizon to

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260 Verizon Aug. 12 *Ex Parte* Letter.

261 AT&T Comments at 9-11; AT&T Lieberman Decl. at 8; WorldCom Comments at 3; WorldCom Frentrup Decl. at 4, para. 7.

262 AT&T Comments at 9; AT&T Pitts/Baranowski Decl. at 7-9, paras. 12-13.

263 AT&T Comments at 10.

264 *Id*. at 11. *See also, Phase II UNE Rate Order* at 8-10.

265 AT&T Lieberman Decl. at 8-9, paras. 17-19.

266 AT&T Comments at 8; AT&T Pitts/Baranowski Decl. at 3-5, paras. 6-8.

apply the reduced cost factor to all rates, including the Phase I switching rates, not just the Phase II NRCs and *UNE Remand* rates.[267]

75. Verizon's primary response to AT&T and WorldCom's evidence of changes in Verizon's costs is that, while AT&T and WorldCom made a similar argument in the Vermont section 271 proceeding, we nonetheless found Verizon's Vermont rates TELRIC-compliant, and should do the same here.[268] With respect to AT&T's claims that the old rates do not reflect current, deeper switch discounts or merger savings, Verizon presents almost no information regarding newer discounts. Similarly, while Verizon suggests possible errors in AT&T's analyses showing a drop in switch investment per minute-of-use and over recovery of switch investment, it fails to fully address the issues raised by AT&T's analyses.[269]

76. In the absence of any substantive rebuttal of AT&T's argument, it appears that the inputs underlying the former, Phase I switching rates have undergone such significant changes as to cause us to question whether the switching rates set by the Delaware Commission can reasonably be held to be compliant with TELRIC principles. We need not decide this question here, because Verizon has responded to the attacks on its Phase I switching rates by reducing those rates.[270] Accordingly, we consider Verizon's reduced switching rates using our benchmark analysis.

77. In further response to AT&T and WorldCom's attacks on Verizon's Phase I switching rates based on outdated data and unresolved questions generated by those attacks, Verizon filed new, reduced switching rates with the Delaware Commission on August 30, 2002.[271] These rates represent a 31 percent decrease from the Phase I switching rates.[272] Verizon now relies on these new, reduced switching rates to support this application, and asserts that these reduced rates cause its non-loop rates, which include switching rates, to satisfy a benchmark comparison to New York non-loop rates.[273] As discussed at section II, *supra*, we

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267 WorldCom Comments at 3; WorldCom Frentrup Decl. at 4, para. 8.

268 Verizon Reply at 23-24; Verizon Reply Appen. A, Tab D, Reply Declaration of Joshua W. Martin, III, Patrick A. Garzillo, and Gary Sanford at 3-4, paras. 6-8 (Verizon Martin/Garzillo/Sanford Reply Decl.).

269 Verizon Martin/Garzillo/Sanford Reply Decl. at 7-8, para. 15.

270 AT&T also makes the claim that Verizon's Delaware switching rates misallocate costs between the flat port rate and the usage sensitive per-minute switching rate. AT&T Comments at 11-12. This issue is identical to claims made with regard to New Hampshire switching rates, and we reject it with regard to Delaware on the same grounds. *See* section III.B.1.b.iv, *supra*.

271 Verizon Aug. 30 *Ex Parte* Letter.

272 *Id*.

273 *Id*.

waive our "complete when filed" rule to consider these reduced switching rates in this proceeding.

78. AT&T challenges Verizon's reduced switching rates, claiming that, even with the 31 percent reduction, the rates are still too high to be TELRIC-compliant.[274] To support this claim, AT&T points to lower switching usage rates recently adopted in New Jersey.[275] As we have stated in prior section 271 orders, however, the mere fact of lower rates in another state, without further evidence, does not demonstrate that the state commission that adopted the challenged rates committed clear TELRIC error.[276] Further, as the United States Court of Appeals for the District of Columbia Circuit has recognized and the Commission has concluded many times, "application of TELRIC principles can result in different rates in different states."[277]

79. When there are questions about whether a state commission has properly conducted a TELRIC-compliant rate proceeding or has adopted rates without being able to conduct a full rate proceeding, we turn to our benchmark analysis to determine whether the rates nonetheless fall within a reasonable TELRIC range.[278] We further find that New York is an appropriate anchor state for comparing Verizon's Delaware rates.[279] Applying the benchmark test using state-specific data, we find that Verizon's Delaware non-loop rates are roughly 9.6 percent higher than New York non-loop rates, while Delaware weighted, average non-loop costs are roughly 10.6 percent higher than such costs in New York. Thus, Verizon's Delaware non-loop rates, including its switching rates, pass our benchmark test.

80. We conclude, therefore, that Verizon's reduced Delaware non-loop rates, including switching rates, fall within the range that reasonable application of TELRIC principles would produce and that Verizon's reduced Delaware switching rates satisfy checklist item two.

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274 AT&T Supplemental Comments at 3.

275 *Id*.

276 *Verizon Vermont Order*, 17 FCC Rcd at 7639, para. 26.

277 *AT&T Corp. v. FCC*, 220 F.3d at 615, *affirming Bell Atlantic New York Order,* 15 FCC Rcd at 4084, para. 244. *See also, Verizon Rhode Island Order*, 17 FCC Rcd at 3319-20, para. 37; *Verizon Vermont Order*, 17 FCC Rcd at 7639, para. 26; *Verizon New Jersey Order*, 17 FCC Rcd at 12295-96, para. 49, *BellSouth Georgia/Louisiana Order*, 17 FCC Rcd at 9034-35, paras. 24-25.

278 *Verizon Rhode Island Order*, 17 FCC Rcd at 3324, para. 24, 3327, para. 55; *BellSouth Georgia/Louisiana Order* at paras. 24-25; *Verizon Pennsylvania Order*, 16 FCC Rcd 17458-59, para. 67.

279 *See Verizon Rhode Island Order*, 17 FCC Rcd at 3327, para. 55; *Verizon Pennsylvania Order*, 16 FCC Rcd 17457, para. 64. *See also* our discussion of the appropriate anchor state for Verizon's New Hampshire UNE rates at section III.B.1.b.ii, *supra.*

c. Delaware Loop Rates

81. Only AT&T criticizes Verizon's Delaware loop rates, again claiming that the outdated data underlying the rates causes them to fail to comply with our TELRIC standard.[280] AT&T, however, points to no incorrect inputs, or particular loop costs that have declined since the Delaware Commission adopted the rates in 1997. Further, Verizon's Delaware loop rates compare favorably to New York loop rates based on our benchmark comparison. Delaware loop rates are only about three percent higher than New York loop rates, even though our USF model identifies a much higher cost differential between Delaware and New York loop costs.[281] Therefore, we conclude that Delaware loop rates fall within the range that reasonable application of TELRIC principles would produce.

d. Delaware Non-Recurring Charges

82. AT&T also attacks all of Verizon's Delaware NRCs, claiming that the model on which they are based is not TELRIC-compliant. Specifically, AT&T claims that Verizon's non-recurring cost model is based on existing, embedded processes rather than efficient, forward-looking technologies that are currently available, and, therefore, does not comply with the TELRIC standard.[282] AT&T points to Delaware Commission staff concerns regarding Verizon's procedures for surveying its employees to determine work times for tasks required to provision UNEs, its sampling and averaging methods, and its lack of documentation for calculating its forward looking adjustment to account for future improvements in UNE provisioning processes.[283] AT&T further claims that Verizon's non-recurring cost model, and the NRCs it produced, fail to comply with a district court order remanding Verizon's NRCs to the Delaware Commission for further evidentiary hearings to determine whether they comply with the TELRIC standard.[284] AT&T has appealed the NRCs most recently adopted by the Delaware Commission on June 4, 2002, to the same district court, claiming that the Delaware Commission failed to satisfy the court's mandate.[285] AT&T further attacks specific Verizon NRCs for feature changes, field installation, disconnects, and hot cuts.[286]

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[280] AT&T Lieberman Decl. at 2, para. 3, 8-9, paras. 17-19.

[281] The differential between weighted, average loop costs in Delaware and New York is slightly more than 40 percent.

[282] AT&T Comments at 24; AT&T Walsh Decl. at para. 8.

[283] AT&T Comments at 24-25; AT&T Walsh Decl. at para. 21. *See also Phase II UNE Rate Order* at 32.

[284] AT&T Comments at 32.

[285] Delaware Commission Comments at n.18; AT&T Comments at 32.

[286] AT&T Comments at 22-36; AT&T Walsh Decl. at paras. 40-63. Verizon recently filed a new feature change charge of $5.98, reduced from $9.01, stating that, in calculating its previous rate, it had inadvertently failed to (continued….)

83. Before discussing AT&T's assertions, we provide additional detail regarding the Delaware Commission's adoption of NRCs. As stated in the background discussion, *supr*a, after AT&T's successful federal district court challenge to the NRCs adopted by the Delaware Commission in Phase I of its UNE rate proceeding, the Delaware Commission instituted Phase II of its UNE rate proceeding to, among other tasks, adopt TELRIC-compliant NRCs.[287] In this Phase II proceeding, AT&T, as it does here, challenged Verizon's non-recurring cost model, claiming that it satisfied neither the TELRIC standard nor the district court remand. In light of these claims, the Delaware Commission refused to adopt Verizon's non-recurring cost model, instead adopting significantly reduced NRCs more comparable to NRCs that had been recently adopted in New York and New Jersey. In making this decision, the Delaware Commission first quoted from its *Phase I UNE Rate Order*:

> [I]t is not necessary for us to reach the issue of whether [Verizon's] cost study was conducted in conformance with TELRIC. Rather, we simply determine that the rates we are adopting, regardless of the cost study by which they were generated, appear to be within the range of just and reasonable TELRIC-based rates.[288]

The Delaware Commission then compared its decision to a similar decision by the New Jersey Board of Public Utilities (New Jersey Board):

> Similarly, the New Jersey [Board] explained that data points and inputs were more important to it than its actual selection of a 'model,' and that therefore it had used Verizon's model but made 'suitable modification as necessary to ensure that the output from the study produces proper forward-looking results based upon TELRIC principles.' The Commission will do the same here.[289]

84. The Delaware Commission further mandated several significant adjustments to the inputs to Verizon's non-recurring cost model. First and most important, it ordered Verizon to recompute NRCs using newer and shorter work times for certain tasks resulting from an independent study, rather than Verizon's longer work times resulting from its own internal survey.[290] Second, the Delaware Commission required Verizon to rerun its cost studies to

(Continued from previous page)

comply with the Delaware Commission's order to use the newer and shorter independent consultant work times. Verizon Aug. 12 *Ex Parte* Letter.

287 *See* section III.B.3.a., *supra; Phase II Announcement Order*.

288 *Phase II UNE Rate Order* at 32, citing *Phase I UNE Rate Order* at 14.

289 *Id.* at 33, citing New Jersey BPU, *Review of Unbundled Network Element Rates, Terms and Conditions of Bell-Atlantic New Jersey, Inc.,* No. TO 00060356, Opinion and Order at 158 (rel. March 6, 2002).

290 *Id.* at 34.

compare NRCs resulting from minimum, maximum, average and mode reported work times.[291] After reviewing this comparison, as well as a separate comparison of these NRCs to the NRCs that had been recently adopted in New York and New Jersey, the Delaware Commission ordered Verizon to use the lower of NRCs computed using average or mean work times, or NRCs computed using mode, or most frequently reported, work times.[292] Because Verizon could not demonstrate that all tasks required to expedite orders were performed outside of normal work hours, the Delaware Commission ordered Verizon to eliminate its expedite charge.[293] Reasoning that competitive LECs should not be required to pay disconnect charges "up front" when ordering service for a new customer, the Delaware Commission ordered Verizon to disaggregate connect and disconnect charges.[294] Finally, the Delaware Commission adopted an interim, promotional $35 hot cut rate that had been stipulated by the parties to the New York rate proceeding and recently adopted in New Jersey.[295] In addition to these specific adjustments, as discussed *supra,* the Delaware Commission also ordered Verizon to reduce the common cost factor it applied to its NRCs from 10 percent to 5.95 percent.[296] As it took these steps, the Delaware Commission was constantly aware that it needed to comply with a district court remand requiring it to compile and weigh additional evidence on whether Verizon's NRCs were appropriately forward-looking.[297]

85. Verizon defends its non-recurring cost model, stating that the model has been "thoroughly revised" from the model underlying the NRCs remanded by the Delaware district court and is the same model used to produce NRCs subsequently adopted by the New York Commission and the New Jersey Board.[298] Verizon specifies that it has gained substantially more experience in determining the tasks required to provision UNEs than it had in 1996 when it computed the NRCs remanded by the district court.[299] Verizon adds that both the New York Commission and the New Jersey Board subjected its new non-recurring cost model to intense scrutiny during their rate proceedings and concluded that the model could produce TELRIC

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291 *Id*. at 33.

292 *Id.* at 34-35.

293 *Id.* at 39.

294 *Id.* at 37-38.

295 *Id*. at 35-36.

296 *Id*. at 34.

297 Delaware PSC, *Application of Verizon Delaware Inc. (F/K/A Bell Atlantic-Delaware, Inc.), for approval of its Statement of Terms and Conditions Under Section 252(f) of the Telecommunications Act of 1996*, *Phase II,* Docket No. 96-324, Public Meeting Transcript at 2404, 2435 (Apr. 30, 2002).

298 Verizon Reply at 27, 29; Verizon Martin/Garzillo/Sanford Reply Decl. at 17, para 34.

299 Verizon Martin/Garzillo/Sanford Reply Decl. at 20-21, para. 39.

compliant NRCs.[300] Finally, Verizon notes that both the Commission and another district court have approved the "approach" of using existing processes as a starting point and modifying these processes to reflect improved technology and efficiency.[301]

86. We conclude that, based on the record before it, the Delaware Commission made reasonable adjustments to Verizon's non-recurring cost model that produced NRCs that fall within the reasonable range that TELRIC principles would produce. First, the Delaware Commission fully considered the detailed, fact-intensive evidence regarding NRCs compiled in the lengthy Phase II proceedings, AT&T's criticisms of Verizon's model, and the concerns of its staff regarding Verizon's model. Based on these factors, the Delaware Commission made major adjustments to the model that resulted in steep reductions to certain NRCs. For example, when Verizon used mode rather than mean work times to compute NRCs, as ordered by the Delaware Commission, the initial, two-wire loop connection charge dropped from $42.68 to $28.02.[302] When Verizon filed a new feature change charge to correct its inadvertent failure to use the shorter work times mandated by the Delaware Commission, the charge dropped from $9.01 to $5.98.[303] We thus find AT&T's characterization of the Delaware Commission's actions as "arbitrary" to be incorrect, and its claims that the Delaware Commission intended to adopt only interim NRCs and failed to address the flaws in Verizon's cost model to be unsupported by the record.[304] Rather, the Delaware Commission specifically addressed the alleged flaws in Verizon's model. It made reasoned adjustments to the inputs to the model, carefully considered the effects of those adjustments on NRCs produced by the model, and compared the resulting NRCs to those adopted in New York and New Jersey.

87. The Delaware Commission's careful comparison of Verizon's Delaware NRCs to New York and New Jersey NRCs provides us added confidence in our conclusion. We have accorded substantial deference to the painstaking work of the New York Commission in considering prior section 271 applications,[305] and recently determined that Verizon's New Jersey

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300 *Id*. at 17-19, para. 35.

301 Verizon Reply at 29, citing *BellSouth Georgia/Louisiana Order,* 17 FCC Rcd at 9039-40, para. 36; *AT&T Communications of South Central States, Inc. v. BellSouth Telecommunications Inc.*, 20 F. Supp 2d 1097, 1101 (E.D. Ky. 1998); *MCI Telecommunications Corp. v. BellSouth Telecommunications, Inc.*, 40 F. Supp. 2d 416, 421-22 (E.D. Ky. 1998).

302 Letter from Richard T. Ellis, Director, Federal Regulatory, Verizon to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-157 (filed July 25, 2002 (Verizon *July 25 Ex Parte* Letter).

303 Verizon Aug. 12 *Ex Parte* Letter.

304 AT&T Reply, Declaration of Richard J. Walsh on Behalf of AT&T Corp. at 8, para. 17, 4-5, para. 8 (AT&T Walsh Reply Decl.).

305 *Bell Atlantic New York Order,* 15 FCC Rcd at 4082, para. 240, 4084-84, paras. 245, 247, *aff'd, AT&T Corp. v. FCC*, 220 F. 3d 607 (D.C. Cir. 2000); *Verizon Rhode Island Order,* 17 FCC Rcd at 3325-26, paras. 50, 52.

NRCs satisfy checklist item two.[306] The Delaware Commission compared Verizon's various Delaware NRC computations using minimum, maximum, average and mean work times to comparable New York and New Jersey NRCs, and, adopted NRCs that it found to be comparable to New York and New Jersey NRCs.[307]

88. We now turn to AT&T's specific criticisms of Verizon's Delaware NRCs for feature changes, field installation, disconnects, and hot cuts. First, we point out that AT&T did not raise many of these criticisms to the Delaware Commission, and, therefore, the state has not had the first opportunity to address many of AT&T's arguments in its deliberations. As we have said previously:

> When a party raises a challenge related to a pricing issue for the first time in the Commission's section 271 proceedings without showing why it was not possible to raise it before the state commission, we may exercise our discretion to give this challenge little weight. In such cases, we will not find that the objecting party persuasively rebuts the *prima facie* showing of TELRIC compliance if the BOC provides a reasonable explanation concerning the issue raised by the objecting party"[308]

89. With this standard in mind, we discuss in turn our conclusions that AT&T fails to demonstrate clear TELRIC error for each NRC that it attacks. With respect to Verizon's feature change charge, AT&T attacks Verizon's incorrect, $9.01 feature change charge rather than Verizon's corrected feature change charge of $5.98. Presumably, because the AT&T non-recurring cost model rejected by the Delaware Commission produces a feature change charge of $0.27, AT&T would still object to the corrected, $5.98 charge.[309] We decline to find that the Delaware Commission committed clear error in adopting this $5.98 charge for the same reasons that we declined to find that the New Jersey Board committed clear error in adopting a $7.01 feature change charge.[310] While we agree that there is a material difference between Verizon's service initiation charge of $0.28 and its feature change charge of $5.98, this comparison alone

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306 *Verizon New Jersey Order,* 17 FCC Rcd at 12304, 12307, paras. 67, 73.

307 Verizon July 25 *Ex Parte* Letter.

308 See *Joint Application by BellSouth Corporation, BellSouth Telecommunications, Inc., And BellSouth Long Distance, Inc. for Provision of In-Region, InterLATA Services in Alabama, Kentucky, Mississippi, North Carolina, and South Carolina*, Memorandum Opinion and Order, WC Docket No. 02-150 (rel. Sept. 18, 2002) (*BellSouth Multistate Order*) at 32. S*ee also Verizon New Jersey Order,* 17 FCC Rcd at 12307, para. 72.

309 AT&T Walsh Decl. at para. 40.

310 *Verizon New Jersey Order*, 17 FCC Rcd at 12306, para. 70. We note, however, that the New Jersey Board recently reduced Verizon's New Jersey feature change charge. *See* AT&T Walsh Reply Decl. at para. 24. The Delaware Commission may want to consider this reduction in any future review of the Delaware feature change charge.

does not demonstrate that Verizon used incorrect inputs in computing the charge.[311] Further, unlike some other NRCs such as hot cuts, competitive LECs pay the feature change charge only for their existing customers, and, therefore, the charge does not constitute a barrier to a competitive LEC's acquisition of a new customer.[312]

90. With respect to Verizon's Delaware field installation NRC, AT&T contends that field installation costs should be recovered through recurring loop rates rather than non-recurring rates.[313] AT&T points to recent decisions by the Massachusetts Department of Telecommunications and Energy and a Pennsylvania Public Utility Commission Administrative Law Judge that appear to accept AT&T's argument that field installation costs are recurring rather than non-recurring.[314] To defend its field installation charge, Verizon points to New York Commission and New Jersey Board decisions to recover field installation costs through NRCs.[315] Our rules specifically address a state's discretion to recover non-recurring costs through recurring charges. While it is prohibited to recover recurring costs through non-recurring charges, our rules provide the state with discretion to recover non-recurring costs through either recurring or non-recurring charges.[316] Accordingly, AT&T would have to demonstrate that field installation costs are recurring costs to establish that the Delaware Commission made a TELRIC error in setting a non-recurring charge to recover such costs. AT&T has not done so and we find no TELRIC error.

91. With respect to Verizon's Delaware hot cut rate of $35, we reject AT&T's claims that the rate is not TELRIC compliant. As noted above, the Delaware Commission adopted the same, promotional, hot cut rate that had been stipulated by parties to the New York rate proceeding and subsequently adopted by the New Jersey Board. After reviewing the background of the New York stipulation, the Delaware Commission concluded that precise hot cut costs were impossible to determine because Verizon and competitive LECs were still in the process of determining the tasks required to perform a hot cut and the resulting costs. Therefore, the Delaware Commission concluded: "The Commission believes that adopting a $35 promotional

311 *Verizon New Jersey Order,* 17 FCC Rcd at 12306, para. 70.

312 *Id*. at 12306-07, para. 71.

313 AT&T Walsh Decl. at paras. 52-52; Letter from David Levy, counsel to AT&T to Marlene H. Dortch, Secretary, Federal Communications Commission at Attach., Supplemental Declaration of Richard J. Walsh on Behalf of AT&T Corp., WC Docket No. 02-157 (filed Aug. 6, 2002) (*AT&T Supplemental Walsh Decl*.); AT&T Walsh Reply Decl. at paras 13-21. AT&T also asserts that Verizon double recovers its field installation charges in its recurring loop rates and field installation NRC. AT&T Comments at 33; AT&T Walsh Decl. at para. 50. Verizon disputes this claim and AT&T provides no evidence or analysis in support of its contention. Verizon Reply at 32; Verizon Martin/Garzillo/Sanford Reply Decl. at 28-29, paras. 54-55. Accordingly, we reject AT&T's claim.

314 AT&T Walsh Decl. at paras. 57-61; AT&T Walsh Supplemental Decl. at paras. 24-26.

315 Verizon Martin/Garzillo/Sanford Reply Decl. at 28-29, paras. 54-55.

316 47 CFR § 51.507(d), (e).

hot cut rate for a two-year period will afford the members of the industry time to resolve their differences over this process, and will give both sides the incentive to come together and discuss this problem."[317] We find this action reasonable. Further, as we stated in the *Verizon New Jersey Order*,"the $35 hot cut rate, which mirrors the effective rate in New York, bears the imprimatur of the New York PSC as well as the numerous competitive LECs who joined that settlement, including AT&T itself."[318] Therefore, we conclude that AT&T has failed to demonstrate that the Delaware Commission committed clear error in adopting the $35 hot cut rate.

92. Finally, AT&T protests Verizon's $2.99 disconnect charge, claiming that Verizon provides no evidence to support this "last minute" charge.[319] Verizon computed this charge because, in response to competitive LECs' protests that they should not be required to pay disconnect charges "up front" when connecting new customers, the Delaware Commission ordered Verizon to separate disconnect and connection charges.[320] We find this decision to be a reasonable response to the competitive LECs' concerns. Verizon explains that it computed the charge by halving its basic service order charge of $5.98 and deducting this amount from the related connection charges, assuming that disconnect orders would take less time to process than connection orders.[321] AT&T presents no evidence to indicate that this method does not derive a cost-based rate. Therefore, we conclude that there is insufficient basis for us to find that the Delaware Commission's adoption of Verizon's $2.99 disconnect charge constitutes clear TELRIC error.

93. For all of these reasons, we conclude that Verizon's Delaware NRCs fall within the range that reasonable application of TELRIC principles would produce, and that they satisfy checklist item two.

94. *Price Squeeze*. AT&T and WorldCom argue that residential competition is not economically viable in portions of Delaware because of the narrow margins available to competitors that provide service through the UNE platform. AT&T and WorldCom both argue that this price squeeze is a violation of the requirement that granting of section 271 applications be in the public interest, and AT&T additionally argues that the price squeeze violates the nondiscriminatory pricing requirement in checklist item two. We disagree. Section 252 of the Act requires that UNEs be priced on the basis of cost, and our analysis of Verizon's Delaware UNE rates determined that these rates are cost-based. The potential revenues that can be generated from purchasing UNEs, and the resulting margin, are irrelevant to the determination of

317 *Phase II UNE Rate Order* at 36.

318 *Verizon New Jersey Order*, 17 FCC Rcd at 12303-02, para. 66.

319 AT&T Walsh Decl. at para. 39.

320 *Phase II UNE Rate Order* at 37-38.

321 Verizon Martin/Garzillo/Sanford Reply Decl. at 33-34, para. 66.

whether rates are cost-based in compliance with checklist item two.[322] Therefore, we address AT&T's and WorldCom's price squeeze claims in the public interest section.[323]

4. Operations Support Systems

95. Based on the evidence in the record, we find, as did the Delaware and New Hampshire Commissions,[324] that Verizon provides nondiscriminatory access to its operations support systems (OSS) in Delaware and New Hampshire.[325] As discussed below, however, based on our examination of the record, we note a few performance areas in New Hampshire involving minor discrepancies in performance data that require further consideration.[326] We first discuss the relevance of Pennsylvania performance data to our analysis of Verizon's OSS in Delaware and the relevance of Massachusetts performance data to our analysis of Verizon's OSS in New

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322 *Sprint v. FCC*, 274 F.3d at 553.

323 *See* section VI.A., *infra*.

324 *See* Delaware Commission Comments at 13, 15-16; New Hampshire Commission Comments at 1-3, 11, 18. We note that the New Hampshire Commission set a number of conditions, which Verizon met to the New Hampshire Commission's satisfaction, regarding checklist item 2. However, none of these conditions pertained to OSS. *See* New Hampshire Commission Comments at 11-18.

325 *See* Verizon Application at 93-110; *see generally* Verizon Application Appen. A, Vol. 3, Joint Declaration of Kathleen McLean, Raymond Wierzbicki, and Catherine T. Webster Regarding New Hampshire and Delaware (Verizon DE-NH McLean/Wierzbicki/Webster Decl.) and Verizon Application Appen. A, Vol. 3, Joint Declaration of Kathleen McLean, Raymond Wierzbicki, and Catherine T. Webster Regarding Delaware (Verizon DE McLean/Wierzbicki/Webster Decl.).

326 Verizon has missed only two key Delaware OSS performance measures more than twice in recent months: PO-1-5-6022 – average response time for inquiries regarding telephone number availability and reservation (EDI), and MR-1-01-6060 – response time to create a trouble report (electronic bonding). Deviation from the standard in PO-1-05-6022 has averaged 2.8 seconds, a minimal amount of time that appears to be of little or no competitive significance in this OSS function. The other OSS measurement with more than two misses, MR-1-01-6060, has been eliminated beginning with the July 2002 report, and this metric is no longer considered a meaningful gauge of incumbent performance. Letter from Richard T. Ellis, Director, Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket 02-157 (filed June 27, 2002) (Verizon DE-NH Aug. 9 OSS *Ex Parte* Letter) at 2. *See* Verizon DE McLean/Wierzbicki/Webster Decl. and Verizon DE-NH McLean/Wierzbicki/Webster Decl. A new metric for evaluating Electronic Bonding to Create Trouble Tickets is currently under discussion in the Carrier-to-Carrier Working Group in New York. Once adopted in New York, it will be implemented in Delaware as well. In any event, no metric miss has been greater than six seconds. Verizon DE-NH Aug. 9 OSS *Ex Parte* Letter at 2. As we have said before, we do not regard minimal and isolated failures to be of competitive significance. *See Application of Verizon New England Inc., Bell Atlantic Communications, Inc. (d/b/a Verizon Long Distance), NYNEX Long Distance Company (d/b/a Verizon Enterprise Solutions), Verizon Global Networks Inc., and Verizon Select Services Inc., for Authorization to Provide In-Region, InterLATA Services in Massachusetts,* Memorandum Opinion and Order, 16 FCC Rcd 8988, 9055-56, para. 122 (2001); *Verizon Vermont Order,* 17 FCC Rcd at 7652, para 49.

Hampshire. We then discuss three specific performance areas regarding Verizon's New Hampshire OSS: order processing notifiers, flow-through, and billing accuracy.[327]

a. Relevance of Verizon's Pennsylvania and Massachusetts OSS

96. Consistent with Commission precedent,[328] Verizon's application relies on evidence concerning its OSS performance in Pennsylvania and Massachusetts.[329] Verizon asserts that its OSS in Delaware are substantially the same as the OSS in Pennsylvania and that, therefore, evidence concerning OSS in Pennsylvania is relevant and should be considered in our evaluation of Verizon's OSS in Delaware.[330] Similarly, Verizon asserts that its New Hampshire OSS are substantially the same as its Massachusetts OSS and that, therefore, evidence concerning its Massachusetts OSS is relevant and should be considered in our evaluation of Verizon's New Hampshire OSS.[331]

97. In support of these claims, Verizon submits reports from Pricewaterhouse Coopers (PwC).[332] PwC evaluated Verizon's OSS (specifically the pre-order, order, provisioning, maintenance and repair, relationship management infrastructure, and billing domains) made available to support competitive LEC activity in Delaware and New Hampshire, in order to attest to Verizon's assertions that (1) its interfaces, systems, and procedures in these states are identical to those in their respective "anchor" states, Pennsylvania and Massachusetts, and (2) the personnel and work center facilities supporting Verizon's OSS use the same

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327 We acknowledge that in New Hampshire, BayRing identifies alleged incidents of Verizon provisioning deficiencies, involving service disruptions and provisioning delays, which BayRing implies relate to checklist item 2. *See* BayRing Comments at viii, 45-51. BayRing generally argues that Verizon provides poor quality service by ignoring order dates, using inefficient provisioning processes, and failing to timely resolve problems. *See* BayRing Comments at 45-51. BayRing, however, fails to explain how these episodes – from one year ago – result in checklist noncompliance. In any event, as discussed above, commercial evidence of Verizon's performance for all competitive LECs for recent months demonstrates that Verizon meets checklist item 2. We discuss these episodes more fully in Section III.C. of this Order, concerning unbundled local loops. *See* Section III.C., *infra.*

328 *See SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6284-85, paras. 104-05 (2001).

329 *See* Verizon DE McLean/Wierzbicki/Webster Decl. at para. 15; Verizon DE-NH McLean/Wierzbicki/Webster Decl. at para. 15.

330 *See* Verizon Application at 95-96; *see also* Verizon DE McLean/Wierzbicki/Webster Decl. at paras. 10-18.

331 *See* Verizon Application at 93-94; *see also* Verizon DE-NH McLean/Wierzbicki/Webster Decl. at paras. 10-18.

332 *See* Verizon Application Appen. B-DE, Tab 2, Joint Declaration of Russell Sapienza and William Cobourn, in *Inquiry into Verizon Delaware, Inc.'s Compliance with the Conditions Set forth in 47 U.S.C. § 271(c)*, Delaware Commission (filed Feb. 1, 2002) (DE PwC Report); Verizon Application Appen. B-NH, Tab 1, Joint Declaration of Russell Sapienza and Catherine Bluvol, in *Verizon New England Inc., d/b/a Verizon New Hampshire, Section 271 of the Telecommunications Act of 1996 Compliance Filing*, New Hampshire Commission (filed Aug. 31, 2001) (NH PwC Report).

procedures in Delaware and New Hampshire as in Pennsylvania and Massachusetts, respectively.[333] Verizon also submits declaratory evidence that its "interfaces, gateway systems, and underlying OSS for pre-ordering, ordering, provisioning, maintenance and repair, and billing" serving Pennsylvania are also used for Delaware[334] and those serving Massachusetts are also used for New Hampshire and the other New England states.[335]

98. We note that no commenter disputes the relevance of Verizon's Pennsylvania and Massachusetts OSS to our inquiry in this proceeding. We find that Verizon, through the PwC Report and its declarations, provides evidence that its Pennsylvania and Massachusetts OSS are substantially the same as its Delaware and New Hampshire OSS, respectively. Therefore, evidence concerning Verizon's OSS in Pennsylvania is relevant and should be considered in our evaluation of Verizon's OSS in Delaware, and evidence concerning OSS in Massachusetts is relevant and should be considered in our evaluation of Verizon's OSS in New Hampshire. Verizon's showing enables us to rely on findings relating to OSS from the *Verizon Pennsylvania Order* and *Verizon Massachusetts Order* in our analysis of Verizon's OSS in Delaware and New Hampshire. In addition, where low volumes in Delaware or New Hampshire yield inconclusive performance metrics results concerning Verizon's compliance with the competitive checklist, we can examine data reflecting Verizon's performance in Pennsylvania or Massachusetts, as appropriate, to inform our evaluation of checklist compliance.[336]

b. Order Processing Notifiers

99. We find that Verizon's ordering notifiers generally demonstrate nondiscriminatory access to OSS in New Hampshire. The Commission, in prior section 271 orders, has held that functionality encompassed by order confirmation notices is an important element of the ordering process, and that data demonstrating that such notices are provided in a timely manner is a key consideration for assessing whether competitors are allowed a meaningful opportunity to compete.[337] In processing an order, Verizon's systems progressively generate four principal sets of notifiers that track the status of the order: (1) an acknowledgement that the order has been received (ACK) or negative acknowledgement (NACK), which indicates flawed transmission of the order and inability to process it; (2) an LSRC or order rejection notice; (3) a provisioning completion notifier (PCN), which informs a carrier of the completion of the work associated with an order,[338] or a "jeopardy" notice that a service installation due date will be

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333 *See* DE PwC Report at paras. 9-13; NH PwC Report at paras. 7-13.

334 Verizon DE McLean/Wierzbicki/Webster Decl. at para. 10-11; *see also* DE PwC Report at paras. 9-13.

335 Verizon DE-NH McLean/Wierzbicki/Webster Decl. at para. 10-11; *see also* NH PwC Report at paras. 7-13.

336 Where there is sufficient volume we rely primarily on performance in the subject state rather than the anchor state. *See SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6253-55, paras. 34-38.

337 *See, e.g., Bell Atlantic New York*, 15 FCC Rcd 3953, 4035-37, paras. 163-64.

338 *Bell Atlantic New York Order*, 15 FCC Rcd at 4053, para. 188.

missed;[339] and (4) a billing completion notice (BCN), which informs competitors that all provisioning and billing activities necessary to migrate an end user from one carrier to another are complete and thus the competitor can begin to bill the customer for service.[340]

100. We note that in New Hampshire, during the relevant period, Verizon missed the 95 percent standard for sending completion notifiers for provisioned resale and UNE orders within one day (an aggregated measurement).[341] Under this metric, the PCN is considered timely when Verizon provides the notifier within one business day of the listed work order completion date.[342] Verizon contends that because a disproportionate number of competitors' orders involve physical work, requiring dispatch of a technician, it is difficult to complete the work, register completion of the work, and update the "Service Order Processor" all in one day.[343] Verizon further argues that if it had reported its New Hampshire performance as it did in the *Verizon New Jersey 271 Application* and other section 271 applications, it would have met the 95 percent benchmark.[344]

101. In evaluating the disparity between Verizon's retail timeliness of completion notifiers and the state-approved benchmark, we consider several factors to assess the competitive significance of Verizon's performance. First, we note that Verizon's one-day completion rate for this metric has improved consistently in recent months, reaching 86.49 percent in June. Second, Verizon's performance on other measures of order completion notifiers has met the standards set by the New Hampshire Commission.[345] Finally, we note that no commenting party – including the New Hampshire Commission – has raised any objection to Verizon's performance in sending timely completion notifiers. Therefore, we find that the relatively low figures reported by Verizon on this single metric do not warrant a finding of checklist noncompliance. Nonetheless, we expect Verizon to continue to improve on its one-day timeliness for this metric, consistent with the standards approved by the New Hampshire Commission. Moreover, we direct the

339 *SWBT Texas Order*, 15 FCC Rcd 18354, 18447, para. 184.

340 *Verizon Pennsylvania Order*, 16 FCC Rcd 17419, 17446, para. 43.

341 *See* OR-4-16-2000 (Resale) and OR-4-16-3000 (UNE) (% Provisioning Completion Notifiers Sent Within 1 Business Day) (This metric was under development in February). Performance in subsequent months is as follows: 50.75% in March, 71.26% in April, 79.59% in May, and 86.49% in June.

342 Verizon Application Appen. E, Vol. 4, Tab 19, State of New Hampshire Carrier-to-Carrier Guidelines Performance Standards and Reports, Verizon Reports, June 3, 2002, at 36.

343 The update by the technician of the Service Order Processor triggers the gateway system to generate the PCN. For the observations that missed this performance objective, Verizon states the PCN was in fact timely distributed once the Service Order Processor was updated. Moreover, Verizon implies that the higher percentage of loop orders compared to less technical UNE-P and resale orders in New Hampshire contributes to the delay. Verizon DE-NH Aug. 9 OSS *Ex Parte* Letter at 4.

344 Verizon DE-NH Aug. 9 OSS *Ex Parte* Letter at 4.

345 *See* OR-4-11-2000 and OR-4-11-3000, as well as OR-4-17-2000 and OR-4-17-3000.

Enforcement Bureau's Section 271 Compliance Team to monitor Verizon's order confirmation process in New Hampshire, and specifically its performance under that process. If we discover problems with the order confirmation process that undermine Verizon's ongoing compliance with this checklist item, we will not hesitate to take action pursuant to section 271(d)(6).

c. Flow-Through

102. As in prior section 271 orders, we do not examine Verizon's flow-through measures in isolation but in conjunction with other factors to assess Verizon's overall ability to provide competitors access to its ordering functions in a nondiscriminatory manner.[346] Although Verizon has missed the standard benchmark for flow-through for resale POTS for three out the past five months,[347] Verizon's performance has been above 90 percent for most months in this period and has shown a generally improving trend.[348] In addition, Verizon exceeded the benchmark during the two most recent reported months,[349] and during March 2002 – when the standard was 92 percent[350] – Verizon missed the benchmark by only 0.09 percent. We also note that Verizon has met the benchmark for flow-through for UNEs during four out of the past five months, the sole miss occurring in February, the earliest relevant month.[351] In addition, Verizon has met the benchmark standard during relevant months for this measurement in Massachusetts, where volumes are considerably higher than in New Hampshire.[352] Finally, KPMG has attested that "Verizon's systems are capable of flowing through the order scenarios that are designed to flow through."[353] Because Verizon's performance on flow-through for resale POTS has been steadily improving, and because these problems appear anomalous to Verizon's overall flow-

346 *See Verizon New Jersey Order*, 17 FCC Rcd at 12338-39, para. 130.

347 *See* OR-5-03-2000 (Resale) (89.31% in February, 91.91% in March, 90.69% in April, 93.49% in May, and 94.30% in June).

348 *See* DE-NH Verizon McLean/Wierzbicki/Webster Decl. at para. 60.

349 Verizon DE-NH Aug. 9 OSS *Ex Parte* Letter at 3.

350 Verizon explains that the standard for this metric "is subject to a "ramp up" period and that the benchmark in the second quarter of 2002 was 93 percent." Verizon DE-NH Aug. 9 OSS *Ex Parte* Letter at 3. At that time, the standard rose from 92 percent, which was the standard for the first quarter of 2002. Eventually, the standard will be 95 percent. *See* Verizon Application Appen. E, Vol. 4, Tab 19, State of New Hampshire Carrier-to-Carrier Guidelines Performance Standards and Reports, Verizon Reports, June 3, 2002, at 37.

351 *See* OR-5-03-3000 (UNE) (94.44% in February, 95.22% in March, 95.50% in April, 95.95% in May, and 96.84% in June).

352 Letter from Richard T. Ellis, Director, Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket. 02-157 (filed June 27, 2002) (*Verizon NH-DE Aug. 2 Carrier to Carrier Performance Study and Reports Summary*).

353 Verizon DE-NH McLean/Wierzbicki/Webster Decl. at para. 60.

through performance, we find that Verizon's overall performance on flow-through supports our conclusion that Verizon provides competitors with nondiscriminatory access to OSS.

d. Billing Accuracy

103. We conclude that Verizon provides nondiscriminatory access to the functionality of its billing system in New Hampshire. According to performance measures in New Hampshire, Verizon delivers accurate bills in a timely manner to its competitors. We note, however, that Verizon's performance resolving billing disputes shows below-benchmark performance during February, March, and June 2002.[354] Verizon argues that during February and March 2002, it was handling current claims and also resolving a backlog of older claims.[355] Because the metric reports billing claims in the month they are resolved, Verizon contends that the resolution of these older claims results in an inaccurate picture of Verizon's performance for February and March.[356] Regarding its June performance, Verizon shows that it resolved forty varying claims from a single competitive LEC, but that the metric counts each of these claims individually, bringing the June results below the benchmark.[357] Verizon also demonstrates that currently no claims have been open longer than thirty days.[358] We note that competitors have filed relatively few billing claims in New Hampshire,[359] and no commenter has raised issues relating to Verizon's performance in this regard. In addition, Verizon reached 100 percent on-time performance resolving claims in April and May. For these reasons, we find that the relatively low figures reported by Verizon for February, March, and June 2002 on this single metric do not warrant a finding of checklist noncompliance.

C. Checklist Item 4 – Unbundled Local Loops

104. Section 271(c)(2)(B)(iv) of the Act requires a BOC to provide "[l]ocal loop transmission from the central office to the customer's premises, unbundled from local switching or other services."[360] Based on the evidence in the record, we conclude, as did the Delaware and

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354 *See* BI-3-05-2030 (Percent of competitor claims resolved within 28 days), where the standard is 95 percent (60% in February, 92.59% in March, 100% in April, 100% in May, and 57.69% in June).

355 Verizon DE-NH Aug. 9 OSS *Ex Parte* Letter at 5.

356 *Id.*

357 *Id.*

358 *Id.*

359 *See* BI-2-01-2030 (Timeliness of Carrier Bill) and BI-3-04-2030 (% Competitive LEC Billing Claims Acknowledged within 2 business days.)

360 47 U.S.C. § 271(c)(2)(B)(iv); *see also* Appen. F at paras. 48-52 (regarding requirements under checklist item 4).

New Hampshire Commissions, that Verizon provides unbundled local loops in accordance with the statutory requirements pertaining to checklist item 4.

105. Our conclusion that Verizon complies with checklist item 4 is based on our review of Verizon's performance for all loop types, which include, as in past section 271 orders, voice grade loops, xDSL-capable loops, digital loops, and high capacity loops, as well as our review of Verizon's processes for hot cuts, line sharing, and line splitting. As of March 31, 2002, competitors providing service in Delaware have acquired and placed into use approximately 23,500 unbundled loops from Verizon (including loops provided as part of UNE-P and xDSL-capable loops).[361] As of the end of March 2002, competitors providing service in New Hampshire have acquired and placed into use approximately 40,000 stand-alone loops from Verizon (including xDSL-capable loops).[362]

106. Consistent with prior section 271 orders, we do not address every aspect of Verizon's loop performance where our review of the record satisfies us that Verizon's performance is in compliance with the parity and benchmark measures established in Delaware and New Hampshire.[363] Instead, we focus our discussion on those areas where the record indicates discrepancies in performance between Verizon and its competitors. In analyzing Verizon's compliance with this checklist item, we note that order volumes with respect to specific performance measures may be too low to provide a meaningful result. In these cases, because Verizon uses the same processes and procedures for provisioning, maintenance, and repair of unbundled local loops in Delaware as it does in Pennsylvania, and in New Hampshire as it does in Massachusetts, we look to Verizon's performance in Pennsylvania and Massachusetts, respectively, to assist our analysis.[364]

107. Based on the evidence in the record, we find that Verizon demonstrates that it provides xDSL-capable loops, digital loops, voice grade loops, high capacity loops, and hot cuts, in both states, in accordance with the statutory requirements pertaining to checklist item 4.[365] In

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361 *See* Verizon Application at 26-28; Appen. A, Vol. 2, Tab B, Declaration of Paul A. Lacouture and Virginia P. Ruesterholz (Verizon DE Lacouture/Ruesterholz Decl.) at para. 82. Through March 2002, Verizon provisioned more than 23,500 loops -- about 20,300 stand-alone loops (including 18,500 POTS loops, 720 DSL loops, 650 high-capacity DS-1 loops, and 33 two-wire digital loops); 3200 loops provided as part of network element platforms that include switching and transport elements; and had provisioned about 50 line-sharing arrangements for unaffiliated competitive LECs. Verizon also provides line splitting in the same manner as in its 271-approved states. *See* Verizon Application at 26-28, 32, 38, 43, 45, and 47; *see also* Verizon DE Lacouture/Ruesterholz Decl. at paras. 82, 84, 116, 135, 154, 176, and 190.

362 Verizon NH Lacouture/Ruesterholz Decl. at para. 86.

363 *See, e.g., Verizon Maine Order*, 17 FCC Rcd 11659, at para. 45 n. 190; *Verizon Connecticut Order*, 16 FCC Rcd 14147, 14151-52, para. 9.

364 *See* Verizon DE Lacouture/Ruesterholz Decl. at para. 79; Verizon NH Lacouture/Ruesterholz Decl. at para. 83.

365 *See generally* Appendices B, D, and F.

Delaware, commenters have not raised any issues with respect to any aspect of Verizon's loop performance under checklist item 4, and in New Hampshire, only one party, BayRing, filed comments concerning Verizon's loop performance.[366] We address isolated performance disparities associated with these loop types, as well as BayRing's allegations with regard to high capacity loops and dark fiber, below.

108. *Voice Grade Loops.* We conclude that Verizon provides nondiscriminatory access to its provisioning processes for voice grade loops in Delaware. We note that voice grade loops comprise the overwhelming majority of loops ordered by competitive LECs in Delaware. Verizon states that, as of March 2002, it has provided competing carriers in Delaware with 18,500 voice-grade (*i.e.*, POTs) loops on a stand alone basis.[367]

109. We find that Verizon has met the relevant parity standard throughout the relevant 5-month period for provisioning timeliness of voice-grade loops.[368] We recognize that Verizon's installation trouble measure for voice grade loops fails to meet parity performance for the relevant months.[369] However, we do not believe that Verizon's performance on this metric necessarily indicates Verizon failed to provision quality voice grade loops. We note that the disparity between Verizon's performance for itself and competitive LECs is small, and that the overall Trouble Report Rate is low for both Verizon and competitive LECs.[370] In addition, in past applications, we have found such small levels of disparity for this performance metric to not be competitively significant.[371] We note that no commenting party raised provisioning quality as an issue in Delaware.

110. We also find that Verizon provides maintenance and repair for loops in Delaware in a nondiscriminatory fashion. We note, however, that the repeat trouble report rate for unbundled loops was out of parity for four of the five relevant months.[372] However, consistent

366 *See* BayRing Comments at 29-51.

367 *See supra* n.360.

368 *See* PR 3-08-3142 (Pots Provisioning within 5 days – 1-5 lines – No Dispatch) and PR 3-09-3113 (Percent Completed in 5 days - 1-5 lines – Dispatch) for the months February through June, 2002.

369 *See* PR 6-01-3112 (Percent Installation Troubles Reported Within 30 Days -- Loop). Competitive LECs reported a higher percentage of lines installed where trouble was found within the first 30 days after loop installation, than did Verizon's retail operations. In Delaware, Verizon missed the parity standard for all relevant months except May.

370 *See* PR 6-01-3112 (Percent Installation Troubles Reported Within 30 Days -- Loop). For February, March, April, May, and June, Verizon's trouble report rates within 30 days were as follows: 1.78, 2.04, 1.95, 1.95 and 2.32 percent respectively. Competitive LEC's trouble report rates within 30 days for the same period were as follows: 5.2, 5.88, 4.55, N/A, and 5.33 percent respectively.

371 *See Verizon Pennsylvania Order,* 16 FCC Rcd 17419, 17465-66, para. 85 n.294.

372 For MR 5-01-3112 (Percent Repeat Reports Within 30 Days – Loop), Verizon missed parity in February, March, April, May and June 2002. The comparable numbers were 12.98%, 12.83%, 14.02%, 13.45%, and 13.85% (continued….)

with statements made in the Verizon Rhode Island and New Jersey section 271 applications, Verizon suggests that performance results under this metric may be skewed by the presence of misdirected dispatches, which result in overstated repeat troubles.[373] Verizon also argues that this metric is flawed because it includes repeat trouble reports caused by the inability of Verizon to gain access to facilities at the competitive LEC customer premises.[374] Verizon provides performance results for Delaware using the revised New York guidelines and urges us to rely on these results instead. Specifically, Verizon explains that the performance results under this metric when calculated under the New York guidelines met the standard for two out of three months.[375] Consistent with our analysis in the *Verizon Rhode Island Order* and the *Verizon New Jersey Order*, we agree that the revised metric more accurately reflects Verizon's performance, and find that when Verizon's performance under this metric is recalculated to account for misdirected dispatches, the difference in performance provided to Verizon retail and competitive LECs is not competitively significant.[376]

111. *Hot Cut Activity.* Based on the record in this proceeding, we find that Verizon provides voice-grade loops through hotcuts in Delaware in accordance with the requirements of checklist item 4. We note that during February, March, and April, Verizon completed hot-cuts in Delaware within an average of 5.54 days, only marginally longer than the standard five-day interval for orders of one to ten lines.[377] Verizon states that, on average, its performance for hot cuts in Delaware takes only about one-half day longer than the standard interval.[378] We find this additional performance time appears to be sufficiently short as to not be competitively significant. Verizon also points out that the average completed interval measures, such as, the "hot cut loops, no dispatch" metric will no longer be reported in Delaware once Verizon begins

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for Verizon retail and 17.54%, 17.95%, 15.64%, 21.11%, and 19.76% for competitive LECs in February, March, April, May, and June, respectively.

373 *See* Verizon DE Lacouture/Ruesterholz Decl. at para. 99. Under the new guidelines, Verizon states that repeat trouble reports that resulted from a misdirected dispatch are excluded because CLECs are responsible for testing and directing Verizon to dispatch its repair technicians either 'in' (to the central office) or 'out' (to the outside plant).

374 *Id.*

375 *Id.*

376 *See Verizon New Jersey Order,* 17 FCC Rcd 12275, 12344 para. 141. Applying the business rules adopted in New York to the instant proceeding, the competitive LECs adjusted repeat trouble report rate from February to June would be approximately 16.96%, 17.10%, 14.69%, 17.22%, and 17.34%. *See* Verizon DE Lacouture/Ruesterholz Decl. at para. 99, Tab 9; Verizon DE Lacouture/Ruesterholz Reply Appen. A, Sec. B, Attach. 2.

377 *See* Verizon DE Lacouture/Ruesterholz Decl. at para. 112. *See also* PR 2-01-3111 (Average Completed Interval-Total No Dispatch – Hot Cut Loop).

378 Verizon DE Lacouture/Ruesterholz Decl. at para. 112. *See also* PR 2-01-3111 (Average Completed Interval-Total No Dispatch – Hot Cut Loop).

to report performance in Delaware under the New York guidelines.[379] Verizon suggests that the percentage of hot cuts completed on the agreed-upon day and within the agreed-upon cut-over window would be a more accurate metric of hot cut provisioning of unbundled loops.[380] We agree that the percentage of hot cuts completed on the agreed-upon day provides additional support for Verizon's hot cut performance in Delaware. Accordingly, we find that Verizon has satisfied the standard for on-time performance for hot cuts for the relevant five month period because the disparity between Verizon's overall hot cut performance and the five-day benchmark is not competitively significant in these circumstances.[381] No commenter raised any issues with respect to Verizon's hot cut process and performance in Delaware.

112. *High Capacity Loops.* We conclude, as did the Delaware and the New Hampshire Commissions, that Verizon demonstrates it provides high capacity loops in accordance with the requirements of section 271.[382] We note that BayRing contends that in New Hampshire Verizon's high capacity loop provisioning discriminates against competitive LECs in violation of the Act.[383] Specifically, BayRing asserts that Verizon has implemented a "no facilities" policy, and that Verizon refuses to provide competitive LECs high capacity loops unless all necessary equipment and electronics are present on the customer's premises.[384] Moreover, BayRing also states that, although the Commission previously addressed Verizon's "no facilities" policy in the *Verizon Pennsylvania Order*, the instant proceeding is the appropriate forum to address Verizon's allegedly discriminatory high capacity UNE provisioning policy.[385]

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379 *See* Verizon DE Lacouture/Ruesterholz Decl. at para. 111; Verizon Guerard/Canny/Abesamis/DeVito Decl. at para. 66.

380 Verizon Guerard/Canny/Abesamis/DeVito Decl. at para. 72; Verizon points out that it provisions 98.45% of hot cuts on time in Delaware. *See* Verizon DE Lacouture/Ruesterholz Decl. at para. 109.

381 *See* PR 9-01-3520 (Percent On Time Performance – Hot Cut).

382 As stated above, Verizon met all key performance metrics in New Hampshire for the relevant period.

383 BayRing Comments at 37.

384 *Id.* As an example, BayRing cites Verizon's treatment of another competitive LEC operating in New Hampshire, Network Plus, for the period from July 2001 to December 2001. BayRing states that for the months leading up to and including July 2001, Verizon rejected about 6 percent of Network Plus's orders due to "no facilities." In August 2001, Verizon rejected more than six times as many Network Plus orders due to "no facilities" (about 39 percent). Between September 1, 2001, and December 14, 2001, Verizon rejected about 18% of the high capacity orders made by Network Plus. We note that the rejections BayRing describes occurred one year ago, and even if true, are outweighed by commercial data evidence of Verizon's compliance within the 5-month period that is relevant in the instant application. *See* BayRing Comments at 38-39, 41; BayRing Comments, Tab 3, Exh. 35, at para. 12 (Declaration of Lisa Korner Butler, Vice President Regulatory and Industry Affairs, Network Plus, Inc.).

385 BayRing Comments at 44-45. BayRing also argues that although high capacity loops represent only a small percentage of provisioned loops, access to such facilities is crucial to New Hampshire competitive LECs. BayRing further contends that, although Verizon is willing to construct DS-1 facilities pursuant to special access tariff, (continued….)

113. Verizon responds that its policy is to provide unbundled high capacity loops when all facilities, including central office and end-user equipment and electronics, are currently available.[386] Further, when requisite electronics, such as line cards, have not been deployed but space exists in the multiplexers at the central office and end-user premises, Verizon will order and place the necessary line cards in order to provision the high capacity loop.[387] Verizon will also perform the cross connection work between the multiplexers and the copper or fiber facility running to the end user.[388] In the event that spare facilities and/or capacity on those facilities are unavailable, Verizon will not provide new facilities solely to complete a competitor's order for high-capacity loops.[389] In those circumstances, Verizon will only provide a high-capacity facility pursuant to tariff.[390]

114. As Bayring points out, the Commission addressed this issue in the *Verizon Pennsylvania Order*.[391] Based on the limited information available to the Commission at that time, the Commission concluded that Verizon provided nondiscriminatory access to high capacity loops. The record in this proceeding remains just as sparse. Bayring does not provide any evidence based on its own experience. Instead, Bayring points to the experience of another competitive LEC dating from July to December 2001, a period well before the instant application. In addition, Bayring does not explain how Verizon's high capacity loop provisioning practices violate Bayring's interconnection agreement, the Act, or a Commission rule, or how Verizon's practice constitutes a systemic effort to deny CLECs access to unbundled high capacity loops. For these reasons, we conclude that Bayring has not rebutted Verizon's showing that it provides nondiscriminatory access to high capacity unbundled local loops. Our decision is in part based on Verizon's demonstrated performance provisioning some 40,000 unbundled local loops in New Hampshire. We stress that, pursuant to the Commission's rules, Verizon must provide unbundled high capacity loops on just, reasonable, and nondiscriminatory

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Verizon prices special access facilities significantly higher than UNEs. BayRing also complains that Verizon requires the competitive LEC to commit to a ninety (90) day minimum term and an early termination fee. BayRing Comments at 43-45. Verizon responds that, although it is not obligated to provide service under its special access tariffs, Verizon will construct such facilities pursuant to those tariffs if doing so does not conflict with current design practices and Verizon's construction program. Verizon DE-NH Lacouture/Ruesterholz Reply Decl. at para. 33.

386 Verizon will fill a competitive LEC's order where "there are already high capacity loop facilities in use serving a customer." Verizon DE-NH Lacouture/Ruesterholz Reply Decl. at para. 130.

387 *Id.*

388 *Id* at paras. 130-31.

389 *Id.* at para. 129 and Attach. 17. Verizon argues that it "is not obligated to construct new Unbundled Network Elements where such network facilities have not already been deployed for Verizon's use in providing service to its wholesale and retail customers." *Id.* at Attach. 17.

390 *Id*. at para. 129 and Attach. 17.

391 *Verizon Pennsylvania Order*, 16 FCC Rcd 17469-70, paras. 91-92.

rates, terms and conditions. We are prepared to pursue appropriate enforcement action if evidence becomes available that Verizon is not fulfilling its obligations under the Act or the Commission's rules to provide nondiscriminatory access to unbundled high capacity local loops.[392]

115. *Digital Loops.* We find that Verizon's performance for competitive LECs is generally in parity with benchmarks established in Delaware. In fact, Verizon consistently met parity for the key ordering and provisioning loop metrics.[393] We note that Verizon's Network Trouble Report Rate for digital loops was out of parity for several of the relevant months in Delaware.[394] However, we find, as we did in the *Verizon Pennsylvania Order*, that this level of disparity is minor and therefore not competitively significant.[395] Finally, we note that no commenter raises specific issues with respect to digital loops and that the volume of digital loops ordered by competitors remains relatively low.[396]

116. *BayRing Allegations.* We also disagree that the few specific incidents of past poor performance that BayRing identifies demonstrate noncompliance with checklist item 4 in New Hampshire. Specifically, BayRing raises a single incident of poor performance by Verizon involving the provisioning of a large-line order for Exeter Hospital and a handful of other incidents where provisioning delays or errors occurred.[397] The chief example BayRing cites

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[392] Because of the lack of sufficient evidence in the record, we do not address here whether an incumbent LEC's refusal to provide high-capacity loops where certain facilities have not been installed is, or is not, a clear violation of the Act or our rules. Such an issue is not properly before us here. To the extent we have not spoken conclusively on that issue in the context of an enforcement proceeding by the time of the *Triennial Review* order, we will address the issue in that proceeding, as well as whether any rule amendments are necessary or appropriate.

[393] For example, Verizon met the parity standard in Delaware every month within the relevant period for the PR-2 (Average Interval Completed) and PR-4 (Percent On Time Performance) metrics for POTs, 2-wire digital and xDSL loops.

[394] This metric, MR-2-01-3200, is based on low volumes of DSL provisioning. *See* Delaware Carrier-to-Carrier Guidelines, at 77. MR-2-01-3200 (Network Trouble Report Rate) (In February: Verizon reported 0.1 percent, and competitive LECs reported 1.28 percent; in March, Verizon reported 0.16 percent, and competitive LECs reported 1.65 percent; in April, Verizon reported 0.18 percent and competitive LECs reported 1.76 percent; in May Verizon reported 0.13 percent, and competitive LECs reported 3.16 percent; in June Verizon reported 1.5 percent, and competitive LECs reported 4.04 percent). The total Volume of Network Troubles for Competitive LECs in Delaware: 9 in February; 12 in March; 13 in April; 15 in May; 19 in June.

[395] In Pennsylvania, for February, Verizon reported a 0.81 percent trouble report rate, competitive LECs reported a rate of 0.99 percent; in March, Verizon reported a 0.79 percent trouble report rate, and competitive LECs reported no trouble reports; in April, Verizon reported a 0.85 percent trouble report rate, and competitive LECs reported a 1.04 percent rate; in May, Verizon reported a 0.92 percent trouble report rate, and competitive LECs reported a 1.09 percent rate; in June, Verizon reported a 1.02 percent rate, and competitive LECs reported a 1.08 percent rate. *See Verizon Pennsylvania Order*, 16 FCC Rcd at 17465, para. 85, App. B at B-21.

[396] Digital loops account for only 2.2 percent of all wholesale loops provisioned in Delaware.

[397] *See* BayRing Comments at 49; BayRing Comments, Exh. 37 at 11-13.

concerned a 500-line provisioning order for BayRing's customer, Exeter Hospital, which Verizon was scheduled to provision on September 19, 2001.[398] BayRing indicates that by improperly provisioning this order, Verizon caused Exeter Hospital to lose service.[399] BayRing argues that Verizon did not restore service until fifteen hours later because it failed to escalate the problem to the proper person, and misinformed BayRing as to the proper procedures for restoring service.[400] BayRing identifies three other incidents as well: a delay in Verizon's provisioning a high capacity loop order on August 8, 2001, from its Portsmouth, New Hampshire central office to a BayRing customer in Kittery, Maine; improper correction of a trouble ticket for a T-1 order in Exeter, New Hampshire; and additional service disruptions stemming from Verizon's failure to port a twenty-three line order.[401]

117. As BayRing acknowledges, since these incidents occurred, Verizon has made efforts to resolve provisioning problems that competitive LECs may experience.[402] For example, in response to the Exeter Hospital incident, Verizon – at the direction of the New Hampshire Commission – has taken steps to ensure that certain "critical-need customers," essential to public health and safety, never experience service disruptions.[403] Verizon also has sought to familiarize BayRing with existing escalation processes and other maintenance procedures applicable to provisioning loops.[404] We disagree that this or the other isolated incident mentioned by BayRing – occurring approximately one year ago – require a finding that Verizon has failed to comply with checklist item 4. We acknowledge the serious nature of BayRing's complaints, particularly as they relate to hospitals. However, the Commission's review of a section 271 application is based on a snapshot of a BOC's recent performance at the time an application is filed.[405] The actual experiences of competitors, such as BayRing, are an important consideration in our determination of whether Verizon has satisfied its checklist obligations. However, we must weigh these incidents against Verizon's recent record of provisioning loops in New Hampshire. In doing so, we note that, overall, Verizon consistently met parity for the key ordering and provisioning loop metrics in New Hampshire. Additionally, we find added assurance in the action the New Hampshire Commission took in response to the Exeter Hospital incident to

398 BayRing Comments at 47.

399 *Id.*

400 *Id.* at 47-50.

401 BayRing Comments at 49; BayRing Comments, Exh. 37, at 11-13.

402 BayRing Comments at 50; Letter from Richard T. Ellis, Director, Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket 02-157 (filed June 27, 2002) (Verizon DE-NH Aug. 15 Number Portability *Ex Parte* Letter) at 2.

403 Verizon DE-NH Aug. 15 Number Portability Ex Parte Letter at 2.

404 *Id.*

405 *See Verizon Pennsylvania Order,* 16 FCC Rcd at 17515, para. 14.

prevent future provisioning problems for essential facilities. Finally, as the Commission has stated in prior orders, there are other means for ensuring that Verizon continues to comply with its obligations to competitive LECs.[406]

118. *Dark Fiber.* Under section 271(c)(2)(B)(ii) of the Communications Act, Verizon must demonstrate that it provides nondiscriminatory access to network elements in accordance with the non-discrimination provisions of section 251(c)(3).[407] Moreover, our rules specifically include dark fiber within the definition of the loop and transport UNEs that incumbents must make available to competitors pursuant to section 251(c)(3) of the Act.[408] Based on the record in this proceeding, we find that Verizon provides dark fiber in New Hampshire in compliance with checklist item 4.[409] Verizon has demonstrated that it offers dark fiber in New Hampshire pursuant to interconnection agreements and its SGAT.[410] Verizon also has agreed to take the additional step of "convert[ing] its entire SGAT into a tariff by the end of 2002," so that the dark fiber offering will be available under tariff, and thus will permit competitive LECs to directly order anything contained in the SGAT without adopting the terms of the entire SGAT.[411] Verizon further shows that it provides dark fiber using the same personnel, facilities, procedures and equipment as it uses for provisioning its own interoffice transmission facilities,[412] and repairs

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406 *See* discussion of the Performance Assurance Plan, section VI., *infra.*; *see, e.g.*, *Verizon NewJersey Order*, 17 FCC Rcd 12275, 12363, para. 179.

407 47 U.S.C. § 271(c)(2)(B)(ii); *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, Third Report and Order and Fourth Further Notice of Proposed Rulemaking, 15 FCC Rcd 3696, 3791--33795, paras. 205, 209-219 (1999); *see also Verizon New Jersey Order*, App. C at C03 ("[t]o determine whether a BOC applicant has met the prerequisites for entry into the long distance market, the Commission evaluates its compliance with the competitive checklist, as developed in the Commission's local competition rules and orders in effect at the time the application was filed").

408 47 U.S.C. § 251(c)(3); 47 C.F.R. §§ 51.319(a)(1) & (d)(1)(ii). Dark fiber is analogous to unused copper loop or transport facilities and is physically connected to the incumbent's network and is easily called into service by the incumbent. *UNE Remand Order,* 15 FCC Rcd at 3776, 3843-46, paras. 174, 325-330 & n.323.

409 *See UNE Remand Order*, 15 FCC Rcd at 3776, para. 174; Letter from Richard T. Ellis, Director, Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket No. 02-157, (filed Aug. 15, 2002) (Verizon Aug. 15 Dark Fiber *Ex Parte* Letter). For the reasons discussed in this section, we also find Verizon in compliance with checklist item 5 (Transport).

410 *See* Verizon Declaration of Lacouture/Ruesterholz, Attach. 1. Verizon points out that during February, March, and April 2002, Verizon received only 397 dark fiber orders in all New England states. Of these orders, 134 were cancelled by the competitive LEC. Verizon completed more than 94 percent of the remaining orders on time. *See Id.* at Attach. 31.

411 Verizon Declaration of Lacouture/Ruesterholz Declaration, at para. 252.

412 *Id.* at 243; Verizon Aug. 15 Dark Fiber Letter at 1-2 ("Verizon's dark fiber offering in New Hampshire also satisfies all of the additional dark fiber requirements in Vermont, where the FCC also found that Verizon's dark fiber offering is checklist-compliant.").

and maintains fiber that serves competitive LECs using the same methods and procedures it uses for itself.[413]

119. We reject BayRing's claim that Verizon's New Hampshire dark fiber policies are discriminatory and therefore violate our rules.[414] First, BayRing relies on alleged conduct by Verizon in the provisioning of dark fiber in New Hampshire that predates significant actions taken by the New Hampshire Commission to ensure nondiscriminatory access to unbundled dark fiber.[415] Second, BayRing does not allege any discriminatory conduct on the part of Verizon subsequent to the New Hampshire Commission's adoption of its new dark fiber polices, and does not explain how the actions taken by the New Hampshire Commission are deficient to address its concerns. Finally, BayRing raises novel interpretive issues under the Commission's unbundling rules that are best addressed outside of a section 271 proceeding.

120. We disagree with BayRing that Verizon's New Hampshire dark fiber reservations policy violates our unbundling rules. BayRing argues that in New Hampshire Verizon has undue discretion to restrict the amount of dark fiber available for use by competitive LECs.[416] We do not agree. First, BayRing solely relies on alleged discriminatory conduct that occurred in 2001.[417] To the extent that a problem existed with Verizon's New Hampshire dark fiber reservations policy, Verizon shows that the New Hampshire Commission has addressed BayRing's concerns.[418] The New Hampshire Commission modified its dark fiber reservation rules so that, now, Verizon must provide information to competitive LECs on dark fiber availability within 15 business days of any request, and additional information within 30

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413 Verizon, Declaration of Lacouture/Ruesterholz at para. 244-247; 253-256.

414 BayRing Comments at 30. BayRing states that the record before the New Hampshire Commission demonstrated that few competitive LECs have ordered dark fiber in New Hampshire because, before placing an order, a competitive LEC must determine whether fiber is available and Verizon has responded 84 percent of the time that dark fiber is not available. *Id.* at 29. BayRing further states that, in Massachusetts, Verizon informed competitive LECs that dark fiber was not available only 35 percent of the time. *Id.* at 30.

415 According to Verizon, no competitive LEC has challenged any of Verizon's dark fiber inquiry responses in New Hampshire since the implementation of the new procedures. Verizon Aug. 15 Dark Fiber *Ex Parte* Letter.

416 BayRing states that, unlike Verizon's policy in Massachusetts, the New Hampshire reservations policy, which governs the amount of dark fiber Verizon may reserve for its own use, permits Verizon to earmark available dark fiber for future "aggregate" customer demand, even absent a specific request for use of the fiber from a potential wholesale customer. This policy, BayRing argues, accounts for the 84% rejection rate competitive LECs experience when attempting to order dark fiber. According to BayRing, in Massachusetts Verizon must provide documentation to substantiate any assertion that dark fiber is not available for lease as an UNE, while in New Hampshire, "Verizon will not agree to support any such assertion by providing relevant documentation to CLECs." BayRing Comments at 33 (citing, BayRing Comments Appen. A., Tab 4, Exh. 37, at para. 51).

417 BayRing Comments at 29.

418 New Hampshire Commission Aug. 23 Dark Fiber *Ex Parte* Letter at 3.

calendar days, unless the competitive LEC withdraws its request.[419] Moreover, the New Hampshire Commission found that Verizon's "reservations terms are in compliance with [the New Hampshire Commission's] orders and mirror [Verizon's] policies in other . . . states except for Massachusetts. For that reason the [New Hampshire Commission] determined that [Verizon's] reservations policy is reasonable."[420] Accordingly, we conclude that the New Hampshire Commission has taken sufficient steps to ensure competitive access to the dark fiber UNE, and we reject BayRing's assertions that Verizon is "hoarding" dark fiber in contravention of our rules.

121. Even if we were to accept BayRing's claim that there was, at some point in time, an 84 percent rejection rate of dark fiber requests,[421] we note that Verizon, as directed by the New Hampshire Commission, has "considered this issue at length" and taken other steps, in addition to those discussed above, to address the availability of unbundled dark fiber in New Hampshire.[422] First, the New Hampshire Commission "adopted an 80 percent fill factor for both dark and lit fiber to reflect the actual usage and avoid double counting by [Verizon]" and more closely mirror the 84 percent rejection rate.[423] Second, the New Hampshire Commission confirmed the validity of Verizon's "no facilities available" responses for three different routes, and addressed the low level of dark fiber availability by requiring Verizon in the future to take into account projected competitive LEC demand, when planning to build new fiber segments or when constructing fiber augments for itself.[424] Because Verizon, as directed by the New Hampshire Commission has taken steps to ensure the availability of unbundled dark fiber, and because we have not received any credible evidence of discrimination in dark fiber provisioning

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419 *Id.* For example where Verizon determines that no facilities are available, Verizon must identify for the requesting competitive LEC the route triggering the "no facilities available" response, indicate what alternate routes have been investigated, and identify the first blocked segment on each route as well as all of those segments which are not blocked. We note that Verizon points out that the New Hampshire Commission has never imposed a specific limit on the number of dark fiber strands that Verizon may use or assign. *See,* Letter from Richard T. Ellis, Director, Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket No. 02-157, (filed Sept. 12, 2002) (Verizon Sept. 12 Dark Fiber *Ex Parte* Letter).

420 New Hampshire Commission Aug. 23 Dark Fiber *Ex Parte* Letter at 3.

421 Although BayRing provides multiple citations to state testimony concerning its cross-examination of a Verizon witness on the dark fiber issues, it fails to state in its comments how it calculated the 84 percent figure, what period of time was measured, or how many occurrences this alleged rejection rate represents. *See* BayRing Comments at 29.

422 Moreover, Verizon argues that "BayRing is not referring to orders for dark fiber that are rejected. It is actually referring to queries on the *availability* of dark fiber 'because prior to placing an order, a [competitive LEC] must first inquire whether there is fiber available . . .'" New Hampshire Commission Sept. 12 Dark Fiber *Ex Parte* Letter at 2 (quoting BayRing Comments at 29) (emphasis added).

423 New Hampshire Commission Aug. 23 Dark Fiber *Ex Parte* Letter at 2.

424 The New Hampshire Commission "found that such a requirement dose not rise to the level of construction of new or superior facilities." *Id;* New Hampshire Commission Sept. 12 Dark Fiber *Ex Parte* Letter at 2.

sufficient to outweigh Verizon's showing, we are not persuaded that Verizon fails to provide dark fiber in New Hampshire in compliance with our unbundling rules.

122. Finally, we reject BayRing's contention that Verizon's dark fiber policies violate checklist item 2 by restricting points of access to dark fiber. BayRing argues that Verizon will only provide dark fiber as a UNE to competitive LECs where the fiber is located at the Verizon wire center and terminated at both ends of the route; and that Verizon will not provision dark fiber as a UNE to competitive LECs when the fiber is found in a cable vault, manhole or other location outside of the wire center.[425] We note that BayRing's request for access to fiber at points other than at a central office is, in effect, a request for access to a *fiber subloop*, and is therefore subject to the Commission's subloop rules and analysis.[426] The Commission's subloop unbundling rules do not address BayRing's request that it be permitted access to dark fiber at splice points. Instead the Commission's rules mandate access to subloops at terminals in the incumbent's plant, that is, at the customer premises; at the main distribution frame; and anywhere that a feeder and distribution plant meet.[427] Accordingly, under the Commission's current subloop unbundling analysis, BayRing is not correct that Verizon must make available dark fiber that is not already terminated at accessible terminals. BayRing's request for access to a fiber subloop cannot be addressed in a section 271 proceeding because it raises issues of interpretation of Commission rules. Therefore, BayRing could raise such requests in a complaint proceeding but not in a section 271 proceeding.

IV. OTHER CHECKLIST ITEMS

A. Checklist Item 1 – Interconnection

123. Based on the evidence in the record, we conclude, as did the New Hampshire and Delaware Commissions, that Verizon provides access and interconnection on terms and conditions that are just, reasonable and nondiscriminatory, in accordance with the requirements of section 251(c)(2) and as specified in section 271, and applied in the Commission's prior orders.[428] However, two commenters—one in New Hampshire, the other in Delaware—describe

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[425] BayRing Comments at 30-31. Furthermore, BayRing asserts that when Verizon constructs and installs new fiber routes, Verizon's practice is to leave the network partially unbuilt, refusing to offer the new fiber to competitive LECs until the route is completely spliced from end to end, and terminated at terminals at each end. BayRing argues that these practices are discriminatory and violate Section 251(c)(3) of the Act, because they permit Verizon to "grossly limit" the available inventory of available dark fiber UNEs in New Hampshire while ensuring that there is excess supply available for Verizon's own use and its retail customers.

[426] *See* 47 C.F.R. § 51.319(a)(2).

[427] *See UNE Remand Order*, 15 FCC Rcd at 3789-90, para. 206.

[428] Verizon Application at 19; Verizon DE-NH Lacouture/Ruesterholz Decl. at paras. 11-14, 22, 35, 42-47; Verizon DE Lacouture/Ruesterholz Decl. at paras. 13-16, 25, 31-38, 41-47. We note that Verizon provides the same interconnection to competitive LECs in New Hampshire and Delaware that it provides in states that have already received section 271 approval, and provides them using the same processes and procedures. Moreover, as Verizon points out, we have found that Verizon provides satisfactory performance in providing interconnection to (continued….)

specific incidents in their respective comments that they claim warrant a finding of checklist noncompliance with respect to checklist item 1.[429]

124. In New Hampshire, BayRing asserts that Verizon engaged in anticompetitive conduct with respect to the formation of an interconnection agreement between Verizon and Network Plus.[430] BayRing argues that Verizon delayed entering into a previously-approved interconnection agreement with Network Plus, forcing it to purchase resale services rather than less expensive UNEs.[431] This increased Network Plus's costs, which impaired its ability to be profitable and competitive and, in turn, harmed customers by delaying their service and increasing their costs.[432] In this way, argues BayRing, Verizon created barriers to competitive entry in New Hampshire.[433] Verizon argues that this isolated instance does not demonstrate that Verizon engages in unfair interconnection tactics in New Hampshire.[434] In fact, Verizon argues that its interconnection policies are identical to its policies in states where it has already received section 271 approval.[435]

125. We reject BayRing's arguments. First, BayRing raises a single incident in which it argues Verizon delayed entering into an interconnection agreement. BayRing raises no other complaints concerning Verizon's compliance with checklist item one, nor does any other commenting party, including the New Hampshire Commission. We find that this single incident, without more, is insufficient to support a finding that Verizon is engaged in anticompetitive or discriminatory behavior with regard to checklist item one. Nothing in BayRing's assertions persuades us that these incidents fall outside the normal carrier-to-carrier relationship or constitute discrimination or anticompetitive behavior. Moreover, even if true, none of BayRing

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competitive LECs in Massachusetts and Pennsylvania, where volumes are higher than in New Hampshire and Delaware. Verizon Application at 19; *Verizon Massachusetts Order,* 16 FCC Rcd 8988, 9087, para. 182;*Verizon Pennsylvania Order,* 16 FCC Rcd 17419, 17473-74, para. 99.

429 *See* Cavalier Comments at 1-5; BayRing Comments at 71-76, 81-83. Cavalier asserts that its on-going interconnection dispute with Verizon violates section 271(c)(1)(A), checklist item 1 (interconnection), checklist item 13 (reciprocal compensation), and other checklist items. Because Cavalier does not explain how this unresolved contractual matter rises to the level of checklist non-compliance, we reject Cavalier's assertions. *See* section IV.A.1., *infra.*

430 BayRing Comments at 72.

431 *Id.* at 72-75.

432 *Id.* at 73.

433 *Id.* at 70-89.

434 Letter from Richard T. Ellis, Director, Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket. 02-157 (filed Aug. 16, 2002) (Verizon DE-NH Aug. 16 *Ex Parte* Letter) at 5.

435 *Id.* at 5; Verizon Application at 19. *See* Verizon Reply at 34-35.

arguments is sufficient to outweigh Verizon's showing of compliance with checklist item 1 in New Hampshire.

1. Pricing of Interconnection

126. Checklist item one requires a BOC to provide "interconnection in accordance with the requirements of sections 251(c)(2) and 252(d)(1)."[436] Section 251(c)(2) requires incumbent LECs to provide interconnection "at any technically feasible point within the carrier's network . . . on rates, terms, and conditions that are just, reasonable, and nondiscriminatory."[437] Section 252(d)(1) requires state determinations regarding the rates, terms, and conditions of interconnection to be based on cost and to be nondiscriminatory, and allows the rates to include a reasonable profit.[438] The Commission's pricing rules require, among other things, that in order to comply with its collocation obligations, an incumbent LEC provide collocation at rates that are based on TELRIC.[439]

127. In its comments, BayRing alleges that Verizon's challenge to existing collocation power rates in New Hampshire precludes a finding of checklist compliance.[440] Verizon has appealed the collocation power rates established by the New Hampshire Commission to the New Hampshire Supreme Court.[441] BayRing argues that, until that appeal is resolved, "the collocation power rates will, in effect, be interim, leaving competitive LECs with a tremendous amount of uncertainty as to what the ultimate rates will be."[442] According to BayRing, as long as Verizon continues to challenge the collocation power rates established by the New Hampshire Commission, there can be no finding of checklist compliance.[443]

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436 47 U.S.C. § 271(c)(2)(B)(i).

437 47 U.S.C. § 251(c)(2).

438 47 U.S.C. § 252(d)(1).

439 *See* 47 C.F.R. §§ 51.501-07, 51.509(g); *Local Competition First Report and Order*, 11 FCC Rcd at 15812-16, 15844-61, 15874-76, 15912, paras. 618-29, 674-712, 743-51, 826.

440 BayRing Comments at 27. *See also* BayRing Reply at 15 (clarifying that the uncertainty concerning collocation power pricing should be considered under checklist item one). Specifically, BayRing claims that, until the uncertainty is resolved in regard to Verizon's collocation power rates, there can be no finding that Verizon is providing collocation at TELRIC prices. BayRing Reply at 16.

441 BayRing Comments at 28.

442 *Id.* In its reply, BayRing states that this uncertainty is a "further indication of why Verizon's application is not in the public interest." Because BayRing provides no analysis in support of this statement and because we find that grant of Verizon's 271 application is otherwise in the public interest, we decline to reject the application on this public interest basis.

443 *Id.* at 29. In further support of this position, BayRing quotes a letter from the New Jersey state commission stating that "a Verizon challenge of the validity or effective date of the rates or any attempt to increase or otherwise (continued….)

128. In establishing Verizon's New Hampshire collocation rates, the New Hampshire Commission initially determined that Verizon incurred no incremental cost for producing the power delivered to the collocation point.[444] The New Hampshire Commission stated that Verizon failed to show that the installation of additional power equipment was necessary to meet competitive LEC needs.[445] Accordingly, the New Hampshire Commission declined to approve Bell Atlantic's collocation power costs.[446] On August 3, 2001, Verizon filed a Motion for Rehearing and/or Reconsideration of, among other things, the New Hampshire Commission's decision concerning collocation power costs.[447] On reconsideration, the New Hampshire Commission found that the estimated power plant investment modeled by Verizon would require further investment to accommodate incremental growth.[448] After making several modifications to Verizon's power cost calculations, the New Hampshire Commission established the recurring monthly per amp costs for collocation power.[449]

129. On December 21, 2001, Verizon sought reconsideration of the modifications made by the New Hampshire Commission to Verizon's collocation power costs.[450] Specifically, Verizon asked the New Hampshire Commission to: (1) reconsider its decision to require a different installation factor; (2) clarify that Verizon may charge a statewide average rate for DC power; (3) adjust the amps over which the remaining level of investment is spread once the total power investment is reduced by the amount already recovered via switching; and (4) correct the method of applying the joint and common cost factor.[451] On February 4, 2002, the New Hampshire Commission released an order denying Verizon's request for reconsideration of the installation factor and the amps over which the remaining level of investment is spread.[452] The

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change these rates, will call into question whether modified rates would be TELRIC-compliant, and, therefore, also call into question the Board's finding of compliance with Checklist Item 2." *Id.* at 28. We note that the New Hampshire Commission could have expressed similar concerns in light of Verizon's appeal of the collocation power rates, but declined to do so. Instead, the New Hampshire Commission determined that, subject to the certain conditions, Verizon had met all 14 checklist items. New Hampshire Commission Comments at 18.

444 *New Hampshire SGAT Order* at 117-18.

445 *Id.; see also* BayRing Comments at 27-28.

446 *New Hampshire SGAT Order* at 162.

447 *New Hampshire SGAT Recon. Order* at 3; BayRing Comments at 28.

448 *New Hampshire SGAT Recon. Order* at 35.

449 *Id.* at 37. Specifically, the New Hampshire Commission modified the installation factor used by Verizon, corrected a computational error in the application of the joint and common cost factor to power plant investment, and ordered Verizon to back-out the power costs already recovered via switching charges. *Id.* at 36-37.

450 *New Hampshire SGAT Second Recon. Order* at 1-3.

451 *Id.* at 2-3.

452 *Id.* at 10-11.

New Hampshire Commission did, however, require Verizon to offer DC power on a deaveraged basis and corrected a computational error concerning the application of the joint and common cost factor.[453] The New Hampshire Commission also re-calculated the DC power rates using an updated joint and common cost factor.[454] The order required Verizon to file compliance SGAT pages with an effective date of July 6, 2001.[455]

130. Based on the evidence in the record, we do not agree that Verizon's pending appeal of the collocation power rates established by the New Hampshire Commission precludes a finding of checklist compliance. In its comments, BayRing concedes that the New Hampshire Commission established TELRIC-compliant collocation power rates[456] and BayRing does not allege that Verizon is failing to charge the appropriate rates. The crux of BayRing's claim is that the pending appeal of Verizon's collocation power rates makes them "interim" and that the resulting uncertainty surrounding these rates is inhibiting competing LECs from providing service to particular customers.[457] There is no evidence in the record to suggest that Verizon's collocation power rates are "interim" as BayRing suggests. Nothing contained in the SGAT orders indicates that the New Hampshire Commission considered Verizon's collocation power rates to be temporary or interim, and there is no indication that the New Hampshire Commission will revisit collocation rates in the near future.

131. Contrary to BayRing's assertion, the mere fact that Verizon is disputing the permanent collocation power rates established by the New Hampshire Commission does not preclude a finding of checklist compliance. As this Commission has stated:

> [T]he section 271 process could not function as Congress intended if we adopted a general policy of denying a section 271 application accompanied by unresolved pricing or other intercarrier disputes. . . . If uncertainty about the proper outcome of such disputes were sufficient to undermine a section 271 application, such applications could rarely be granted. Congress did not intend such an outcome.[458]

Thus, although there may be some degree of uncertainty concerning the ultimate outcome of the pending appeal, such uncertainty does not warrant denial of Verizon's New Hampshire section 271 application. Until that appeal is resolved, competitive LECs have the relative certainty of the collocation power rates established by the New Hampshire Commission.

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453 *Id.* at 11-12.

454 *Id.* at 13.

455 *Id.* 13-14.

456 BayRing Comments at 28 (stating that the New Hampshire Commission "has determined a TELRIC-compliant collocation power rate").

457 *Id.*

458 *SWBT Texas Order*, 15 FCC Rcd 18394, para. 87.

132. In Delaware, Cavalier alleges that Verizon refuses to provide compensation for Verizon-originated traffic that Cavalier carries from the physical interconnection point to Cavalier's switch.[459] As this refusal, which has been the subject of a dispute between Verizon and Cavalier for some time, has most recently arisen in the context of interconnection negotiations where Verizon is attempting to create a distinction between physical and financial interconnection points, Cavalier now alleges that this refusal causes Verizon to fail to satisfy its obligation to provide interconnection at just, reasonable, and nondiscriminatory rates pursuant to checklist item one.[460] Cavalier raised this same complaint in the New Jersey section 271 proceeding, where it was cast as a violation of Verizon's obligation to enter reciprocal compensation arrangements pursuant to checklist item 13.[461] Cavalier also has raised this complaint to the Delaware Commission, both in the state section 271 proceeding, and a separate complaint proceeding. The Delaware Commission declined to resolve this dispute in the state section 271 proceeding, instead stating that it was a contractual dispute that it would resolve "promptly" in the separate complaint proceeding.[462] Consistent with our conclusion in the *Verizon New Jersey Order* and the Delaware Commission determination, we find that this dispute concerning conflicting interpretations of an interconnection agreement is best resolved by the Delaware Commission in Cavalier's complaint proceeding.[463] We decline to interfere with an ongoing state proceeding that is expected to resolve a dispute over an interconnection agreement promptly.

133. Accordingly, we find that Verizon offers interconnection in New Hampshire and Delaware to other telecommunications carriers at just, reasonable, and nondiscriminatory rates, in compliance with checklist item one.

B. Checklist Item 11 – Local Number Portability

134. Section 271(c)(2)(B)(xi) of the Act requires a BOC to comply with the number portability regulations adopted by the Commission pursuant to section 251.[464] Based on the evidence in the record we conclude, as did the Delaware and New Hampshire Commissions, that Verizon provides local number portability in accordance with checklist item 11.[465] Although in

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459 Cavalier Comments at 2.

460 *Id*. at 5.

461 *Verizon New Jersey Order*, 17 FCC Rcd at 12354, para. 159. Cavalier also claims here that Verizon's refusal is a violation of checklist item 13. Cavalier Comments at 5.

462 Delaware Commission Comments at 8-9; *see also* Verizon Reply at 35-36.

463 *Verizon New Jersey Order*, 17 FCC Rcd at 12354, para. 159. *See also Verizon Pennsylvania Order*, 16 FCC Rcd at 17484, para. 118.

464 47 U.S.C. § 271(c)(2)(B)(xi).

465 *See* Verizon Application at 87-88.

Delaware Verizon failed to achieve the benchmark in four of the relevant months, the sample sizes were too small to be statistically reliable.[466] As noted above, Verizon uses the same processes and procedures relating to unbundled loops in Delaware as it does in Pennsylvania.[467] Therefore, because there is insufficient data in Delaware, we look to Verizon's performance in Pennsylvania as a basis for our evaluation. Verizon has met the benchmark standard for this measurement in Pennsylvania in each relevant month, where volumes are considerably higher than in Delaware.[468] Indeed, Verizon's performance in Pennsylvania never dropped below 99 percent, a level of performance well above the 95 percent benchmark for this measurement. We note that no commenter challenges Verizon's compliance with this checklist item.

C. Remaining Checklist Items (3, 5, 6, 7, 8, 9, 10, 12, 13, and 14)

135. In addition to showing that it is in compliance with the requirements discussed above, an applicant under section 271 must demonstrate that it complies with checklist item 3 (access to poles, ducts, and conduits),[469] item 5 (transport),[470] item 6 (unbundled local switching),[471] item 7 (911/E911 access and directory assistance/operator services),[472] item 8 (white pages directory listings),[473] item 9 (numbering administration),[474] item 10 (databases and associated signaling),[475] item 12 (local dialing parity),[476] item 13 (reciprocal compensation),[477] and item 14 (resale).[478] Based on the evidence in the record, we conclude, as did the New Hampshire and Delaware Commissions, that Verizon demonstrates that it is in compliance with

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466 In Delaware, from February through June 2002, Verizon completed an average of only nine local number portability orders per month.

467 Verizon DE Lacouture/Ruesterholz Decl., para. 79.

468 *See* Pennsylvania PR-4-07-3540 (Percent On Time Performance – Local Number Portability) (99.75% in February, 99.51% in March, 99.66% in April; 99.69% in May, 99.54% in June).

469 47 U.S.C. § 271(c)(2)(B)(iii).

470 47 U.S.C. § 271(c)(2)(B)(v).

471 47 U.S.C. § 271(c)(2)(B)(vi).

472 47 U.S.C. § 271(c)(2)(B)(vii).

473 47 U.S.C. § 271(c)(2)(B)(viii).

474 47 U.S.C. § 271(c)(2)(B)(ix).

475 47 U.S.C. § 271(c)(2)(B)(x).

476 47 U.S.C. § 271(c)(2)(B)(xii).

477 47 U.S.C. § 271(c)(2)(B)(xiii).

478 *Id*. § 271(c)(2)(B)(xiv).

checklist items 3, 5, 6, 7, 8, 9, 10, 12, 13, and 14 in New Hampshire and Delaware.[479] No parties objected to Verizon's compliance with these checklist items.

V. SECTION 272 COMPLIANCE

136. Section 271(d)(3)(B) provides that the Commission shall not approve a BOC's application to provide interLATA services unless the BOC demonstrates that the "requested authorization will be carried out in accordance with the requirements of section 272."[480] Based on the record, we conclude that Verizon has demonstrated that it will comply with the requirements of section 272.[481] Significantly, Verizon provides evidence that it maintains the same structural separation and nondiscrimination safeguards in Delaware and New Hampshire as it does in Pennsylvania, New York, Connecticut, and Massachusetts--states in which Verizon has already received section 271 authority.[482] No party challenges Verizon's section 272 showing.[483]

VI. PUBLIC INTEREST ANALYSIS

137. Apart from determining whether a BOC satisfies the competitive checklist and will comply with section 272, Congress directed the Commission to assess whether the requested authorization would be consistent with the public interest, convenience, and necessity.[484] At the same time, section 271(d)(4) of the Act states in full that "[t]he Commission may not, by rule or otherwise, limit or extend the terms used in the competitive checklist set forth in subsection

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479 *See* Verizon Application at 78-79 (checklist item 3), 52-53 (checklist item 5); 51-52 (checklist item 6), 80-83 (checklist item 7), 83-85 (checklist item 8), 85 (checklist item 9), 85-87 (checklist item 10); 88-89 (checklist item 12); 89-90 (checklist item 13); 90-93 (checklist item 14); Delaware Commission Comments at 16, 19-28; New Hampshire Commission Comments at 11-12, 20.

480 47 U.S.C. § 271(d)(3)(B); Appendix F at paras. 68-69.

481 See Verizon Application at 110-115; Verizon Application Appen. A, Vol. 5, Tab H, Declaration of Susan C. Browning (Verizon Browning Decl.) at para. 4.

482 *Verizon Pennsylvania Order*, 16 FCC Rcd at 17486, para. 124; *Application of Verizon New York Inc., Verizon Long Distance, Verizon Enterprise Solutions, Verizon Global Networks Inc. and Verizon Select Services, Inc. for Authorization to Provide In-Region, InterLATA Services in Connecticut*, Memorandum Opinion and Order, (2001) (*Verizon Connecticut Order*); 16 FCC Rcd 14147, 14178-79, para. 73; *Verizon Massachusetts Order*, 16 FCC Rcd at 9114-17, paras. 226-31; *Bell Atlantic New York Order*, 15 FCC Rcd at 4152-61, paras. 401-21; Verizon Browning Decl. at paras 3-4.

483 Pricewaterhouse Coopers completed the first independent audit of Verizon's section 272 compliance pursuant to section 53.209 of the Commission's rules. *See* 47 C.F.R. § 53.209. *See* Letter from Pricewaterhouse Coopers LLP to Magalie Roman Salas, Secretary, Federal Communications Commission (June 11, 2001) (transmitting audit report). Although the audit raises issues that may require further investigation, the audit results, standing alone, are insufficient to establish that Verizon does not comply with section 272.

484 47 U.S.C. §271(d)(3)(C); Appen. F at paras. 70-71.

(c)(2)(B)."[485] The Commission views the public interest requirement as an opportunity to review the circumstances presented by the application to ensure that no other relevant factors exist that would frustrate the congressional intent that markets be open, as required by the competitive checklist, and that entry will serve the public interest as Congress expected.

138. We conclude that approval of this application is consistent with the public interest. From our extensive review of the competitive checklist, which embodies the critical elements of market entry under the Act, we find that barriers to competitive entry in the local exchange markets have been removed and the local exchange markets in New Hampshire and Delaware are open to competition. We further find that, as noted in prior section 271 orders, BOC entry into the long distance market will benefit consumers and competition if the relevant local exchange market is open to competition consistent with the competitive checklist.[486]

139. We disagree with commenters that low levels of facilities-based residential competition in New Hampshire and Delaware indicate that it would be inconsistent with the public interest to grant this application.[487] The Commission consistently has declined to adopt a market share or other, similar test for BOC entry into long distance.[488] Given an affirmative showing that the competitive checklist has been satisfied, low customer volumes in any one particular mode of entry or in general do not necessarily undermine that showing.[489] As the Commission has said in previous section 271 orders, factors beyond the control of the BOC, such as individual competitive LEC entry strategies, might explain a low residential customer base.[490]

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485 47 U.S.C. §271(d)(4).

486 *See SWBT Texas Order*, 15 FCC Rcd at 18558-89, para. 419.

487 AT&T argues that Verizon has created barriers to entry for residential service. AT&T claims that fewer than one percent of lines – and nearly no residential lines – in both Delaware and New Hampshire are served by UNE-based competitors. Moreover AT&T claims that enhancing long distance competition is not a sufficient reason why Verizon's section 271 approval would serve the public interest. AT&T Comments at 38-45; AT&T Reply at 17. Sprint also asserts that we should take into account low levels of competition, regulatory uncertainty, the weakening economy, the financial difficulties of some competitive LECs, and decisions by other BOCs not to compete out-of-region, and that therefore, the public interest would not be served by granting Verizon section 271 approval. Sprint Comments at 4-12.

488 *See, e.g., Ameritech Michigan Order*, 12 FCC Rcd at 20748, para. 391; *see also Sprint v. FCC*, 274 F.3d at 553-54 ("The statute imposes no volume requirements for satisfaction of [section 271(c)(1)(A)].").

489 Indeed, the Department of Justice concluded that opportunities for facilities-based carriers to serve business customers are available in these states. The Verizon systems and processes serving Delaware and New Hampshire are largely the same as those approved in the *Verizon Pennsylvania Order* and the *Verizon Massachusetts Order* respectively. Moreover, the Department of Justice concludes that Verizon supports opportunities for competitive LECs to serve both business and residential customers via facilities and other modes of entry. Department of Justice Evaluation at 5-10. *See also* Verizon Reply at 8.

490 *See, e.g.*, *Verizon Pennsylvania Order*, 16 FCC Rcd at 17487, para. 126.

140. Moreover, given an affirmative showing that the competitive checklist has been satisfied, neither the financial hardships of the competitive LEC community nor low customer volumes in any one particular mode of entry or in general, would necessarily undermine that showing. Verizon demonstrates that there is significant local competition in Delaware and New Hampshire, that Verizon's local market will remain open to competition, and that section 271 approval would enhance local and long distance competition in Delaware and New Hampshire.[491] Indeed, the Department of Justice concluded that opportunities to serve business customers via the facilities-based and resale modes of entry are available in Delaware and New Hampshire and there do not appear to be any material non-price obstacles to residential competition in Delaware and New Hampshire.[492] As we have noted in previous section 271 orders,[493] several factors might explain a low residential customer base, such as the entry strategies of individual competitive LECs or other BOCs. We have consistently declined to use such factors – which are beyond the control of the section 271 applicant – to deny an application, and we disagree with Sprint in this regard.[494]

141. As we discuss more fully in other sections of this Order, we disagree with BayRing that past disputes with Verizon demonstrate that granting section 271 approval in New Hampshire would not be in the public interest.[495] Verizon has demonstrated that its local market is open to competition and that it satisfies the competitive checklist. As we discuss more fully elsewhere in this order, Verizon provides nondiscriminatory access to high capacity loops and dark fiber.[496] In addition, each of the problems BayRing has identified has been resolved,[497] and

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491 Verizon Reply at 39.

492 Department of Justice Evaluation at 6-7, 9.

493 *Verizon Pennsylvania Order*, 16 FCC Rcd at 17487, para. 126.

494 *Id.* We note that the D. C. Circuit confirmed that Congress specifically declined to adopt a market share or other similar test for BOC entry into long distance. *Sprint v. FCC*, 274 F.3d at 559.

495 BayRing argues that Verizon's practices in New Hampshire have created barriers to competitive entry in the state by delaying interconnection agreements, forcing purchase of resale services rather than less expensive UNEs, failing to pay the appropriate reciprocal compensation rates mandated by the parties' interconnection agreement, restricting access to enhanced extended links (EELs), delaying providing dark fiber, and inadequately provisioning UNEs. BayRing argues that these anticompetitive actions by Verizon undercut a finding that Verizon's entry into long distance in Delaware and New Hampshire is in the public interest. BayRing Comments at 70-89. *See* Letter from Eric J. Branfman, Counsel to BayRing, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-157 (filed June 27, 2002) (BayRing DE-NH Aug. 20 OSS *Ex Parte* Letter). *See* Sections III and IV, *supra.* BayRing also asserts that a dispute with Verizon over reciprocal compensation, which was resolved prior to the filing of this application, is evidence of a public interest violation. BayRing Comments at 76-80. As we have stated in prior section 271 orders, "section 271 does not compel us to preempt the orderly disposition of intercarrier disputes by the state commissions." *Verizon New Jersey Order*, para. 159 (citing *Verizon Pennsylvania Order*, 16 FCC Rcd at 17484, para. 118). Clearly, here, the matter was resolved and is not relevant to our consideration of the public interest in this application

496 *See* Section III.C., *supra*.

BayRing does not show that any current problems exist that would support a finding that it is not in the public interest to grant section 271 approval to Verizon in New Hampshire.

A. Price Squeeze Analysis

142. Commenters allege the existence of a price squeeze in New Hampshire and Delaware that compels a finding that grant of this application is not in the public interest. We first address BayRing's allegation of a price squeeze in New Hampshire and then address AT&T's allegation of a price squeeze in Delaware.

1. New Hampshire

143. BayRing contends that Verizon's New Hampshire UNE rates do not provide for a sufficient profit for an efficient competitor to serve residential customers and that this has doomed competitors to failure in the residential market.[498] In support of its contention, BayRing presents the price squeeze analysis it submitted in the state section 271 proceeding and an updated price squeeze analysis.[499] BayRing contends that, because the margins available to new entrants preclude profitable entry into the residential market, Verizon's application should be denied on public interest grounds.[500] We conclude that BayRing has not established the existence of a public interest violation because BayRing has failed to demonstrate that a price squeeze exists in New Hampshire.

144. In our review of a section 271 application, the public interest requirement is an opportunity to review the circumstances presented by the application to ensure that no other relevant factors exist that would frustrate the congressional intent that markets be open, as required by the competitive checklist, and that entry will therefore serve the public interest as Congress expected.[501] Congress did, however, explicitly prohibit the Commission from enlarging the scope of the competitive checklist.[502] Accordingly, consistent with our statutory obligation, we will consider the existence and scope of an alleged price squeeze along with all other relevant public interest factors.

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497 *See* BayRing Comments at 70-89; Verizon Reply at 39, n. 32.

498 BayRing Comments at 55; *see also* BayRing Declaration of Benjamin Thayer (BayRing Thayer Decl.) at 5, para. 14.

499 *id.* at 55-62; BayRing Thayer Decl. at 6-8, paras. 18-21 and Attach. 2 (presenting an updated price squeeze analysis). BayRing also contends that the lack of competitive entry bears out the fact that a price squeeze exists in New Hampshire and that the price squeeze analysis presented by Verizon in its application is flawed. BayRing Comments at 62-69. As further evidence of a price squeeze, BayRing argues that the New Hampshire Commission determined that there is a price squeeze in New Hampshire. *Id.* at 69-70.

500 *Id.* at 70.

501 *See Bell Atlantic New York Order,* 15 FCC Rcd at 4161-62, paras. 423-24.

502 47 U.S.C. § 271(d)(4).

a. Revenue and Cost Assumptions

145. The factual information necessary to conduct a price squeeze analysis is highly complex. Courts have recognized the particular difficulty of conducting a price squeeze inquiry in a regulated industry.[503] BayRing and Verizon's analyses provide immediate examples of this difficulty. Each price squeeze analysis before us has distinct deficiencies. The key elements -- costs, revenues, and necessary margins -- depend on numerous different variables and assumptions, and thus result in different conclusions concerning the existence of a price squeeze.[504] For the reasons presented below, we find that we cannot rely on the price squeeze analyses presented by BayRing in this proceeding because they fail to include certain revenue information that the Commission has determined is relevant to a residential price squeeze analysis. Thus, while we do not endorse Verizon's analysis, we nevertheless determine that a price squeeze has not been demonstrated in this proceeding.

146. As an initial matter, we question the probative value in this proceeding of the initial price squeeze analysis presented to the New Hampshire Commission in the state section 271 proceeding as this analysis was done prior to the adoption of voluntary rate reductions by Verizon. BayRing claims that Verizon's subsequent reductions to loop rates and to switching rates do not impact its overall findings that there is no prospect for profit in the residential market.[505] BayRing does not, however, present any specific support for this conclusion and admits that the average monthly switching costs presented by Verizon in its price squeeze analysis are lower than the figures used in BayRing's initial price squeeze analysis before the New Hampshire Commission.[506] Further, BayRing does not address whether or how the reductions to transport rates affect its initial price squeeze analysis. For these reasons, we cannot find that a price squeeze currently exists in New Hampshire based on the initial price squeeze analysis submitted in the state section 271 proceeding.[507]

147. Next, we consider the updated price squeeze analysis presented by BayRing in this proceeding and determine that we cannot rely on this analysis because it fails to include all relevant revenue information.[508] BayRing states that the residential revenue figures used in the

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503 *Concord Massachusetts v. Boston Edison Co.,* 915 F.2d 17 (1st Cir. 1990).

504 *Compare* Verizon Hickey/Garzillo/Anglin Decl. at 23, para. 66 *with* BayRing Thayer Decl. at 6-7, paras. 18-20 and Confidential Attach. 2. *See also* BayRing Comments at 65-69 (discussing the differences between the two analyses).

505 BayRing Comments at 69-70.

506 *Id.* at 70.

507 Even if we agree with BayRing that the initial price squeeze analysis can be considered for purposes of determining whether a price squeeze currently exists in New Hampshire, the analysis suffers from the same deficiencies as the updated analysis presented in this proceeding, as discussed below.

508 In addition, BayRing fails to provide cost data or other evidence to support its internal cost estimates. Without this data, we cannot determine whether the costs included in the analysis are those of an efficient carrier as required (continued….)

updated analysis are derived from the initial price squeeze analysis submitted in the state section 271 proceeding.[509] According to BayRing, that analysis did not consider access revenue or toll revenue in calculating the competing LEC revenue.[510] BayRing failed to include access revenues because it asserted that such revenues are steadily decreasing and competing LEC access revenues may represent a "washout," that is, competitive LEC access revenues for incoming calls would be "washed out" by competitive LEC payment of access charges it pays to complete toll calls for its customers.[511] BayRing also excluded toll revenues in its analysis because it concluded that such revenue is "speculative" and because a competitive LEC incurs costs to provide toll service.[512]

148. Even assuming that BayRing provides adequate justification for excluding some of these revenues, the analysis provided by BayRing fails to include *any* of these revenues. The Commission has determined that such revenues are relevant to a price squeeze analysis and that a price squeeze analysis would be fatally deficient without some evidence of the impact of this revenue on whether competitors are "doomed to failure."[513] Moreover, there is no "washout" of access revenues for incoming calls and access charges for outgoing calls because BayRing would collect toll revenues for the outgoing calls (which it excludes from the analysis) to cover the access charges. As for BayRing's contention that costs are incurred to provide toll service, BayRing provides no specific cost information to demonstrate that its toll costs exceed its toll revenues. Further, BayRing's estimate of Verizon's available residential customer revenues fails to account for the recent increase in the Subscriber Line Charge (SLC).[514] Because BayRing fails to provide an adequate reason to exclude these revenues from its analysis, we must conclude that BayRing's price squeeze analysis is deficient in that it omits relevant evidence.

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by our previous order. *See Verizon Vermont Order*, 17 FCC Rcd at 7664, para. 70 (stating that the pertinent question is what is a sufficient profit for an efficient competitor); *see also* Verizon Reply at 43-44.

509 BayRing Comments at 61.

510 *Id.* at 57; Verizon Reply at 43.

511 *Id.* at 57-58.

512 *Id.* at 58.

513 In our *Vermont Order*, we determined that both access and toll revenues are relevant to a residential price squeeze analysis. *Verizon Vermont Order*, 17 FCC Rcd at 7664, para. 71. In that proceeding, we found that the commenters had not demonstrated that a price squeeze existed because they had failed to, among other things, provide such relevant evidence. *Id.*

514 On July 1, 2002, the SLC cap for residential and single-line business lines increased to $6.00. *See Cost Review Proceeding for Residential and Single-Line Business Subscriber Line Charge (SLC) Caps, Access Charge Reform and Price Cap Performance Review for Local Exchange Carriers*, CC Docket Nos. 96-262 and 94-1, Order, 17 FCC Rcd 10,868, 10,881, para. 30. BayRing's updated analysis fails to account for this increase. *See* BayRing Thayer Decl. at Confidential Attach. 2.

149. BayRing's price squeeze analysis is further compromised by the inclusion of an assumption that Verizon's available revenues should be discounted by 10 percent for comparative purposes. BayRing states that the revenue figure used in its analysis includes a 10 percent discount because competitive LECs must charge less than Verizon to win a customer.[515] We find this assumption inappropriate for inclusion in a price squeeze analysis. Moreover, even if it were appropriate, BayRing fails to provide any cost or other data to support this assertion. For these reasons, we find that BayRing has failed to provide an analysis that demonstrates the existence of a price squeeze in New Hampshire.[516]

b. Other Evidence of a Price Squeeze

150. In addition to its quantitative price squeeze analyses, BayRing argues that the lack of competitive entry bears out the fact that there is a price squeeze in New Hampshire.[517] BayRing claims that Verizon's statistics as to the number of competitive residential lines is "sobering and corroborates the price squeeze analysis . . . ."[518] We disagree that the low levels of facilities-based residential competition in New Hampshire provide evidence of a price squeeze. As we stated in prior section 271 orders, factors beyond the control of the BOC, such as individual competitive LEC entry strategies, might explain a low residential customer base.[519] It is precisely this reason why a BOC does not need to demonstrate a specific level of competitive market penetration before making an application under section 271. Given an affirmative showing that the competitive checklist has been satisfied and that markets are therefore open, low customer volumes or the failure of any number of companies to enter the market in and of themselves do not undermine that showing.[520]

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515 BayRing Comments at 61.

516 Adjusting for the deficiencies in BayRing's analysis, there appears to be a positive margin in Zone 1 and parts of Zone 2. We also note that BayRing's public interest analysis fails to take into account how evidence that there is facilities-based competition available to a majority of the state's population factors into a determination of whether the public interest requirement is not met because competitors are doomed to failure. *See* Letter from Richard T. Ellis, Director, Federal Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-157 at 2 (filed Aug. 16, 2002) (explaining where in the record Verizon has responded to commenters' public interest claims). According to Verizon, AT&T serves, via its cable facilities, 64 percent of the population in New Hampshire. *Id.*

517 *See* BayRing Comments at 62-65.

518 *Id.* at 63.

519 *Verizon Maine Order*, 17 FCC Rcd at 11697-98, at para. 59; *Verizon Pennsylvania Order*, 16 FCC Rcd at 17487, para. 126. *See also* Verizon Aug. 16 *Ex Parte* Letter at 1.

520 *Verizon Maine Order*, 17 FCC Rcd at 11697-98, para. 59; *Verizon Pennsylvania Order*, 16 FCC Rcd at 17487, para. 126; *see Ameritech Michigan Order*, 12 FCC Rcd at 20585, para. 77. As further evidence of a price squeeze in New Hampshire, BayRing cites to the New Hampshire Commission March 1 Letter, wherein the New Hampshire Commission stated that its proposed conditions would "reduce, if not eliminate, the wholesale/retail 'price squeeze.'" BayRing Comments at 69 (quoting the *New Hampshire Commission March 1 Letter* at 4). Because the (continued….)

151. BayRing also alleges several flaws in the UNE-P price squeeze analysis contained in Verizon's application.[521] In addition to these flaws, BayRing asserts that Verizon's analysis includes access revenues in the retail portion of the analysis but did not include these costs in the UNE-P column and has, therefore, double-counted the access revenues.[522] Finally, BayRing disputes Verizon's assumptions concerning the level of access and toll revenues used in the analysis and the inclusion of "other" revenues without accounting for the corresponding expenses.[523] Because we do not rely on the price squeeze analysis contained in Verizon's application, we need not address the merits of these arguments.[524]

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New Hampshire Commission failed to implement the original conditions contained in the March 1 letter, BayRing maintains that a price squeeze remains in New Hampshire. We reject this argument. As a threshold matter, we find that the incidental comment by the New Hampshire Commission cited by BayRing is hardly the kind of detailed analysis necessary to establish a price squeeze. BayRing's appropriation of this statement does not make it any more persuasive of whether a price squeeze actually occurred, or otherwise mandate any particular outcome of our own, independent analysis in this regard. Moreover, although the conditions referenced in the original letter were later modified, the New Hampshire Commission agreed to a new set of conditions, which included specific rate reductions to loop rates, switching and transport rates, and DUF rates. *New Hampshire Commission June 14 Letter* at 3. While BayRing acknowledges that Verizon's UNE rates have decreased since the New Hampshire Commission's initial finding, it still maintains that these reductions "do very little to eliminate the price squeeze." BayRing Comments at 70. BayRing's argument again assumes that a price squeeze was clearly and reliably identified. Even if this was the case, as we have explained above, BayRing's case-in-chief regarding a price squeeze fails and its gainsaying of comments by the New Hampshire Commission is insufficient for us to modify our independent analysis in this respect.

[521] *See* BayRing Comments at 65-69. In particular, BayRing states that Verizon's analysis provides no relevant information concerning the margin available from the average residential customer because it is based upon the weighted average of the revenues Verizon derives from both business and residential customers. *Id.* at 65. BayRing states that Verizon did provide revenue data for an "illustrative residential customer" to the New Hampshire Commission in the state section 271 proceeding and uses this information to argue that the monthly costs of a residential UNE-P customer "far exceed" the revenue Verizon stated it obtains from this customer. *Id.* at 66. BayRing further contends that the Residential Local Service Package used in the analysis represents only a portion of Verizon's residential customers and that these customers generate more revenue per month than the average flat rate, unlimited service customer. *Id.* at 67. The Residential Local Service Package is a combination of flat, unlimited local calling, three features, and unlimited directory assistance. *Id.* BayRing argues that, in order to offer a service comparable to Verizon's Residential Local Service Package, it would need to incur additional costs, such as costs for providing unlimited directory assistance. *Id.* at 67-68.

[522] *Id.* at 68.

[523] *Id.* at 69-69.

[524] Verizon included this information in its application in anticipation of claims by competitive LECs that they are unable to earn of profit in New Hampshire under the current UNE rates. Verizon Hickey/Garzillo/Anglin NH Decl. 23, para. 65.

2. Delaware

152. AT&T and WorldCom allege that a price squeeze in the residential market in Delaware establishes a public interest violation.[525] For many of the same reasons provided in our New Hampshire price squeeze analysis, we find that AT&T and WorldCom have failed to demonstrate a price squeeze in Delaware that dooms competitors to failure.[526]

153. First, we note that the Delaware Commission considered AT&T's price squeeze arguments in determining whether to recommend approval of Verizon's section 271 application, and squarely rejected them. The Delaware Commission stated that, ". . . Verizon-DE's UNE prices do not squeeze competitors by overcompensating Verizon-DE. Moreover, the evidence that [competitive] LECs have indeed entered the Delaware market shows that segments of the Delaware market are indeed open to economic entry through the acquisition of UNEs."[527] AT&T and WorldCom present no new evidence here that would cause us to reach a different conclusion.

a. Revenue and Cost Assumptions

154. As stated in our New Hampshire price squeeze discussion, the key elements of a price squeeze analysis – input costs, revenues, and internal costs – depend on numerous variables. The parties here contest the validity of the variables used in each others' analyses, as well as the analyses themselves, and we find flaws in all of them. Therefore, we conclude that we cannot rely on the price squeeze analyses provided by AT&T and WorldCom, and that neither AT&T nor WorldCom has demonstrated a price squeeze in Delaware that dooms competitors to failure.[528]

155. First, WorldCom's analysis is flawed in that it reflects only one mode of entry, the UNE-Platform.[529] We have rejected the AT&T and WorldCom contention that resale is not a viable competitive option because of insufficient margins, and found that it is appropriate to

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[525] AT&T Comments at 46, 50-51; AT&T Lieberman Decl. at 19-20, paras. 44-46; AT&T Reply at 16-17; AT&T Supplemental Comments at 3-5; AT&T Supplemental Leiberman Decl. at 1-2, para. 1, 8-10, paras. 15-21; WorldCom Comments at 3-4 and Attach. 1.

[526] Consistent with our *Verizon Vermont Order*, 17 FCC Rcd at 7662-63, para. 67, and our *BellSouth Georgia/Louisiana Order*, 17 FCC Rcd at 9179, para. 285, we also reject AT&T's legal interpretation of the effect of *FPC v. Conway*, 426 U.S. 271 (1976), on our price squeeze analysis. AT&T Comments at 48-50.

[527] Delaware Commission Comments at 12.

[528] We do not address AT&T's criticisms of Verizon's price squeeze analysis, AT&T Lieberman Decl. at 20-23, paras. 47-53, because we do not rely on them in reaching our conclusion.

[529] WorldCom Comments at 3-4 and Attach. 1.

consider the effect of resale in determining whether a price squeeze exists.[530] We have also stated that consideration of resale is appropriate because a low margin may be the result of subsidized local residential rates.[531] Without considering resale, WorldCom's analysis is not complete. Second, WorldCom has failed to include in its revenue calculation additional revenue that we have stated must be included in a valid price squeeze analysis. Specifically, WorldCom does not include incremental intraLATA and interLATA toll revenues that would be generated by new customers, access revenues, or any analysis of its "ability . . . to leverage [its] presence in the long-distance or business markets . . . into an economically viable residential telephone service business."[532] For these reasons, we agree with Verizon's assessment that WorldCom has ignored the requirements for a complete price squeeze analysis outlined in our previous orders.[533] We note, however, that even WorldCom's flawed analysis shows positive margins of $4.48 in density zone one and $1.42 in density zone two. According to Verizon, these two zones contain 85 percent of the access lines in Delaware, while according to AT&T, they contain 77 percent of Delaware access lines.[534]

156. AT&T has submitted a more detailed analysis which it assures us satisfies all the requirements of a complete price squeeze analysis established in our *Verizon Vermont Order*.[535] AT&T's analysis includes intraLATA and interLATA toll revenues and access revenues, and provides margin estimates that account for the availability of resale.[536] AT&T's analysis, however, fails to include potential revenue from services other than traditional voice services, even though UNEs provide competitive LECs the ability to offer additional services. AT&T has indicated in another proceeding that it is providing residential DSL service using the UNE-Platform, and we envision that AT&T may well begin providing such service in Delaware if it is not already doing so.[537] AT&T's failure to include such revenues is one reason the Delaware

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[530] *Verizon Vermont Order*, 17 FCC Rcd at 7664, para. 69; *BellSouth Georgia/Louisiana Order*, 17 FCC Rcd at 9180, para. 287.

[531] *Verizon Vermont Order,* 17 FCC Rcd at 7663-64, paras. 68-69; *BellSouth Georgia/Louisiana Order*, 17 FCC Rcd at 9180, para. 287; *BellSouth Multistate Order* at para. 290.

[532] *Verizon Vermont Order,* 17 FCC Rcd at 7664, para 71. *See also BellSouth MultiState Order* at para. 288.

[533] Verizon Reply at 42-43.

[534] Verizon Reply at 44; AT&T Lieberman Decl. at Exh. A.

[535] AT&T Comments at 50; AT&T Lieberman Decl. at 11, para. 23.

[536] AT&T Lieberman Decl. at Exh. B (confidential) and Exh. A (redacted). AT&T states that its analysis does not include an allowance for a subscriber line charge because universal service support is not available in Delaware. AT&T Lieberman Decl. at 18, para. 37.

[537] Verizon Reply at 45, citing Comments of AT&T Corp., CC Docket Nos. 01-338, 96-98, and 98-147, at iv (filed April 5, 2002) ("AT&T is now offering residential customers . . . a combined package of voice and DSL-based services using UNE-P.")

Commission rejected its price squeeze claims. As the Delaware Hearing Examiner who first evaluated these claims stated:

> Here, the record does not support a finding that Delaware's UNE rates create a price squeeze. AT&T's evidence and analysis of profit margins fail to consider a number of revenue sources that could be derived from the acquisition of network elements leased from Verizon-DE. Whether those revenues may be for services other than regulated telecommunications services is irrelevant. All revenues that accrue from the use of facilities, whether regulated or not and whether competitive or not, must be considered in a proper analysis of the ability to recover the costs of those facilities. Moreover, it is inherently flawed to analyze only particular market segments, especially where the prices chargeable in those segments are fixed in whole or in substantial part by regulatory action.

The Delaware Commission reached the same conclusion.[538] For these same reasons, we find AT&T's price squeeze analysis flawed.

157. Both AT&T and WorldCom assert that, to enter the local market in Delaware, they must achieve margins greater that their internal costs, which are more than $10 per-line, per-month.[539] As we have stated in previous section 271 orders, we are not concerned with a "sufficient" profit margin for AT&T or WorldCom, but a sufficient profit for an efficient competitor.[540] Therefore, we are not convinced by AT&T and WorldCom claims that their potential margins must exceed their internal costs of more than $10.00 per line, per month for them to enter the Delaware local market. The Delaware Commission also was not convinced that an efficient competitor's reasonable internal costs would be so high when it set a 20 percent resale discount.[541] Our experience from previous section 271 proceedings shows that competitive LECs may be able to enter the local telephone market even where they allege that the available margins are less than $10. For example, WorldCom is offering its "Neighborhood" local service package in Oklahoma, Kansas, Massachusetts, Missouri, Arkansas, Georgia, Louisiana, Alabama, Kentucky, Mississippi, North Carolina, and South Carolina, all states where

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[538] Delaware Commission Comments at 12.

[539] AT&T Comments at 57; AT&T Lieberman Decl. at 20, para. 45; WorldCom Comments at 4. AT&T provides an exact figure for its Delaware per-line, per-month internal costs only in the confidential version of its comments. *See* AT&T Comments, Tab B, Declaration of Steven Bickley on Behalf of AT&T Corp. at paras. 1-2 (confidential) (AT&T Bickley Decl.).

[540] *Verizon Vermont Order*, 17 FCC Rcd at 7664, para. 70; *Verizon New Jersey Order*, 17 FCC Rcd at 12360-61, para. 172.

[541] Verizon Martin/Garzillo/Sanford Reply Decl. at 41-42, para. 84. The 20 percent resale discount applies to lines not using Verizon Operator Services or Directory Assistance. *Id*.

commenters alleged a price squeeze that would preclude entry into the local market.[542] Furthermore, WorldCom's own data, filed in a previous 271 proceeding, show that it has decided to enter markets where it will achieve a "minimally acceptable" UNE-Platform margin that is substantially lower than $10, and falls between $5 and $7.[543] These entry decisions cast further doubt on the AT&T and WorldCom estimates of their own internal costs, and their analyses of the potential margins that are available in Delaware.[544]

b. Delaware Margin Analysis

158. Even with these flaws, AT&T's analysis shows positive margins for 100 percent of Delaware access lines. While resale does not change AT&T's reported margin for density zone one, which, according to AT&T, contains 56 percent of Delaware access lines, and, according to Verizon, contains 59 percent of Delaware access lines, it dramatically increases AT&T's potential margins in density zones two and three, resulting in positive margins in all three density zones.[545] When AT&T also accounts for intraLATA and interLATA toll revenue, which it reports only in the confidential version of its analysis, AT&T's potential margins increase by a similarly significant amount.[546] AT&T's analysis showing the effect of Verizon's 31 percent switching rate reduction on August 30, 2002, which is also confidential, demonstrates an even greater improvement in its margin in density zone one, containing nearly 60 percent of the access lines in the state.[547] The rate reduction produces a state-wide average margin significantly higher than the state-wide average margins that we found failed to doom competitors to failure in the Vermont, Georgia/Louisiana, New Jersey, Alabama, Kentucky, Mississippi, North Carolina, and South Carolina section 271 proceedings.[548] Verizon's reduced

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[542] *See* WorldCom <http://www.theneighborhood.com/res_local_service/jsps/default.jsp> last visited Sept. 24, 2002).

[543] *See Application of Verizon New England Inc., Bell Atlantic Communications, Inc. (d/b/a Verizon Long Distance), NYNEX Long Distance Company (d/b/a Verizon Enterprise Solutions) And Verizon Global Networks Inc., For Authorization to Provide In-Region InterLATA Services in Massachusetts,* Letter from Keith L. Seat, Senior Counsel, Federal Law and Public Policy, WorldCom to Magalie Roman Salas, Secretary, Federal Communications Commission, CC Docket No. 00-176 at 2-4 (filed Nov. 30, 2000).

[544] We also doubt AT&T's claim that, "The costs and administrative difficulties of UNE-loop entry make it economically infeasible for new entrants pursuing typical residential customers." AT&T Supplemental Comments at 5. Cavalier is serving the local market in Delaware exclusively through use of the UNE-loop. Cavalier Comments at 1.

[545] AT&T Lieberman Decl. at Exh. A.

[546] AT&T Lieberman Decl. at Exh. B (confidential).

[547] AT&T Lieberman Supplemental Decl. at Exh. A (confidential).

[548] AT&T Lieberman Supplemental Decl. at Exh. A (confidential). *See also Verizon New Jersey Order,* 17 FCC Rcd at 12360-61, para. 172; *BellSouth Georgia/Louisiana Order*, 17 FCC Rcd at 9179-80, para. 286; *BellSouth Multistate Order* at paras. 283, 286.

switching rates also provide AT&T a margin in the most favorable zone that approaches the projected margin in the most favorable New Jersey zone.[549] If AT&T's analysis were further corrected for its failure to include revenues from services other than traditional voice services, AT&T's margins would be even greater.

159. We also reject AT&T's most recent claim that, even with Verizon's reduced switching rates, Verizon's NRCs contribute to a price squeeze in Delaware.[550] AT&T's comparison of Delaware and New York amortized NRCs, which AT&T uses to claim that Delaware NRCs are 540 percent higher than New York NRCs, is not a direct comparison.[551] AT&T's Delaware charge for a "new installation" includes dispatch of a Verizon technician to physically connect cable in the field, while AT&T's New York "new installation" charge includes only central office service order processing without the far more costly field dispatch of a technician. If field dispatch charges are included in the New York new installation charge, it increases from the $10.76 in AT&T's comparison to $124.73. Further, while AT&T's analysis assumes that field dispatches will occur in 100 percent of Delaware new installations, Verizon submitted evidence indicating that such field dispatches actually occur for only 50 to 60 percent of new installations in Delaware.[552] Thus we conclude that Verizon's Delaware NRCs do not contribute to a price squeeze in Delaware. We further conclude that AT&T and WorldCom can achieve significant, positive margins for the vast majority of Delaware access lines, and likely could achieve positive margins throughout the state. Such margins do not demonstrate a price squeeze that dooms competitors to failure.[553]

160. The state of competition in Delaware further refutes AT&T and WorldCom price squeeze claims. According to the Delaware Commission and the Department of Justice, competitive LECs serve 6.7 percent of the total local exchange market in Delaware, or roughly 49,000 out of 636,000 lines.[554] AT&T, Cavalier, CoreCom, Pae Tel and XO Communications provide facilities-based local service in Delaware in addition to 15 resellers.[555] According to the

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549 AT&T Lieberman Supplemental Decl. at Exh. A (confidential). *See also Verizon New Jersey Order*, 17 FCC Rcd at 12360-61, para. 172.

550 AT&T Supplemental Comments at 4; AT&T Lieberman Supplemental Decl. at 10, para. 20.

551 AT&T Supplemental Comments at 4; AT&T Lieberman Supplemental Decl. at Exh. B.

552 Letter from Richard T. Ellis, Director, Federal Affairs, Verizon to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-157 (filed Sept. 11, 2002).

553 *Verizon Vermont Order*, 17 FCC Rcd at 7763-64; paras. 68-69, *Verizon New Jersey Order,* 17 FCC Rcd at 12360-61, paras. 171-72.

554 Delaware Commission Comments at 5; Department of Justice Evaluation at 5.

555 Department of Justice Evaluation at 6. AT&T's own data demonstrate that, contrary to its assertions, AT&T Comments at 44, competitive LECs in Delaware, particularly Cavalier and AT&T itself, are financially viable. *See* AT&T Comments at Attach. 1.

Department of Justice, competitive LECs serve approximately 1.9 percent of all residential lines in Delaware using their own facilities, and approximately 1.2 percent of all residential lines through resale or the UNE-Platform.[556] As we discuss, our own analysis of competition in Delaware shows that the total number of lines in Delaware served by competitive LECs is proportionately greater than the number of lines served by competitive LECs in New York, and greater than the number of lines served by competitive LECs in Vermont and New Jersey at the time we approved Verizon's section 271 applications for those states.

161. Finally, in weighing any price squeeze allegation, we must consider whether lower amounts of residential competition are the result of a state commission policy to keep residential rates affordable in high cost areas.[557] Specifically, it is possible that a lack of profitability in entering the residential market may be the result of subsidized local residential rates in one or more zones, and not the fact that UNE rates are at an inappropriate point in the TELRIC range.[558] In Delaware, for example, the clear cost difference between density zone one, where AT&T reports its greatest margin, and density zone three, where it reports the most negative margin without considering resale, is the difference in the rates Verizon charges for the loop.[559] It may be that until states rebalance residential rates, or make high cost subsidies explicit and portable, the UNE-Platform may not provide a viable means of entry for certain areas in some states. That fact, however, needs to be weighed against competing public policy interests, such as ensuring availability and affordability of local telephone services in rural areas and the benefit to consumers from the BOC's entry into the interLATA market. Given the complex and competing public policy interests at stake, we do not think that we can conclude that the existence of subsidies in rural areas in itself is a circumstance that requires a finding that section 271 authorization would not be in the public interest.

162. Based on these facts, we conclude that AT&T and WorldCom fail to demonstrate a price squeeze that dooms competitors in Delaware to failure, or that granting Verizon's Delaware application would not be in the public interest.

B. Premature Marketing

163. Finally, we note that during the pendency of its New Jersey application, Verizon voluntarily disclosed that it sent direct mail and bill insert advertising to New Jersey

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556 Department of Justice Evaluation at 6.

557 *Verizon Vermont Order* 17 FCC Rcd at 7663-64, paras. 68-69; *BellSouth Georgia/Louisiana Order*, 17 FCC Rcd at 9179-80, para. 286; *BellSouth Multistate Order* at para. 290.

558 *Verizon Vermont Order* 17 FCC Rcd at 7663-64, paras. 68-69; *BellSouth Georgia/Louisiana Order*, 17 FCC Rcd at 9179-80, para. 286; *BellSouth Multistate Order* at para. 290.

559 AT&T Lieberman Decl. at Exh. B (confidential).

customers.[560] While reviewing its long distance marketing programs in connection with the New Jersey incidents, the company discovered that Verizon representatives had prematurely marketed services in New Hampshire and Delaware by mailing "winback letters" to certain customers.[561] Verizon also discovered that certain calling card calls were incorrectly branded as Verizon calls and that service representatives incorrectly solicited and accepted customer orders for long distance service.

a. Winback Letters

164. Verizon recently reported that it mailed "winback" letters to 1,500 customers in New Hampshire and 950 customers in Delaware, mentioning long distance but omitting the standard Verizon disclaimer that long distance service is not yet available in those states.[562] According to Verizon, none of the customers that received the letters in New Hampshire and Delaware received long distance service as a result of the letters. Verizon claims that it has "implemented additional controls that are designed to prevent mistakes, as well as to detect and correct any that do occur . . . and are intended to ensure that long distance offers are not sent to customers in non-section 271 authorized states and that multistate/multiproduct mailings that include mention of long distance contain appropriate disclaimers."[563]

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[560] *See Verizon New Jersey Order,* 17 FCC Rcd 12275, 12367-68, at paras. 188-190. *See also* Letter from Marie T. Breslin, Director, Federal Regulatory, Verizon, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-157 (filed Aug. 12, 2002) (Verizon Aug. 12 Marketing *Ex Parte* Letter).

[561] Verizon Aug. 12 Marketing *Ex Parte* Letter at 1.

[562] *See* Verizon Aug. 12 Marketing *Ex Parte* Letter. *See also* Letter from Richard T. Ellis, Director, Federal Regulatory, Verizon, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-157, (filed Sept. 18, 2002) (Verizon Sept. 18 Marketing *Ex Parte* Letter). Verizon claims the letters were part of a multi-jurisdictional marketing effort that targeted small business customers in several Verizon states, including New Hampshire and Delaware. Verizon claims the principal focus of the mailings was to market Verizon's local services, even though the letters mentioned Verizon long distance, as well as voice and data products.

[563] Verizon describes four remedial measures it has put into place to prevent premature direct mail marketing of long distance in the future: (1) to prevent direct mail marketing of long distance service before Verizon receives section 271 authority, Verizon claims it will no longer print or distribute direct mail referring to long distance service for any state until *after* it receives section 271 authority; (2) according to Verizon, the company has hired separate vendors to handle mail for section 271 approved states, and for states where Verizon does not have section 271 approval; (3) Verizon claims that a Verizon official "at the director level of management" must now formally check and approve all direct mail long distance advertising for accurate long distance service availability information; and (4) Verizon claims it has implemented a "three point check on all addresses used in long distance campaigns." This three point checklist includes: (i) Verizon and its suppliers have removed addressees from unauthorized states from the direct mail address lists; (ii) Verizon and its suppliers now verify that the number of mail pieces actually deposited for delivery matches the intended number of mailings; and (iii) direct mail now is sent only to persons whose billing and service addresses are verified as being in the same section 271 authorized state. Verizon Sept. 18 Marketing *Ex Parte* Letter at 2.

b. Calling Card Calls

165. Verizon also reported that as part of its overall review of its marketing programs, it discovered that in June 2000, approximately 2,500 calling card calls, originating in various non-section 271 authorized states, have been misbranded as Verizon calls. Verizon claims that approximately 150 of these calling card calls originated in Delaware and approximately 100 of them originated in New Hampshire. Verizon claims it did not bill customers for any of these calls.[564]

c. Telemarketing Sales

166. Verizon also reported that, while reviewing its long distance marketing programs in connection with the New Jersey incidents, the company discovered that its representatives accepted orders from customers in New Hampshire and Delaware.[565] In New Hampshire, between February and June 2002, Verizon sales representatives accepted approximately 45 sales orders. Verizon claims that most of these instances occurred while conducting operational readiness tests on the Verizon systems to assess the operations of the long distance network and billing systems in the state.[566] According to Verizon, the company loaded its Carrier Identification Codes into the sales ordering system and Verizon local exchange carrier switches to permit test calls to be made from various Verizon locations. Verizon also claims that despite instructions not to accept long distance orders during the test period in non-section 271 approved states, some telemarketing sales representatives mistakenly changed customers' PICs to Verizon Long Distance and submitted the orders. Verizon claims that although the customers' PICs were temporarily changed to Verizon in the local switch, no interLATA service was provided because Verizon's long distance network will permit only test calls that originate from specifically identified test telephone numbers to travel on the network.[567] However Verizon notes that in

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[564] According to Verizon, the calling card calls were mistakenly branded by WorldCom. As Verizon explains, in states where it does not have section 271 approval, calling card service is provided through a teaming arrangement with an unaffiliated carrier known as USAN. Calls originating from non-section 271 approved Verizon states are branded as USAN calls and carried by WorldCom on behalf of USAN, under separate arrangements between those companies. However, Verizon claims that "a limited number of long distance calling card calls were routed to the Verizon portion of the platform and were incorrectly branded as 'Verizon' instead of 'USAN.'" Verizon also states that, although WorldCom billed Verizon for these calls, Verizon did not charge the customers for calls that originated from non-section 271 authorized states. Verizon also states that it "has implemented additional controls relating to long distance calling card calls" to prevent such future occurrences. Specifically, Verizon claims it now blocks any long distance calling card calls that originate in non-section 271 authorized states that should not, but do, reach the Verizon portion of the platform so that the call cannot complete over the WorldCom facilities that Verizon resells.

[565] Verizon Sept. 18 Marketing *Ex Parte* Letter at 3.

[566] *Id.*

[567] Verizon states that none of these customers were provided service because the mistaken orders were detected and corrected by Verizon's provisioning controls. During the test period, Verizon ran a daily scan of its order (continued….)

June 2002, it implemented additional edits to its consumer order entry system to detect non-test orders in non-section 271 authorized states. Moreover, by the end of September 2002, the company will implement an additional edit that will prevent any representative who is not specifically participating in Operational Readiness Testing from inputting orders during testing periods.[568]

167. Verizon further states that service representatives accepted orders on a few other occasions in New Hampshire and Delaware.[569] Verizon claims that "none of these orders were "provisioned," and that the company has "significant controls" in place to minimize these incidents, which it characterizes as "human errors."[570] Verizon states that LEC sales representatives (who sell long distance services to customers who call the Verizon service center) were instructed on long distance launch dates and regularly monitored to make certain that they offered only those products permitted in a particular state. Verizon also claims that third-party telemarketers received "significant oversight."[571] Verizon further states that it has reissued service alerts and improved training to internal sales representatives reemphasizing that Verizon is authorized to provide long distance only in certain states. Moreover, in June 2002, Verizon "temporarily stopped all outbound telemarketing by vendors in the former Bell Atlantic states until Verizon could complete a review of each of its telemarketing vendors to ensure that their practices were consistent with Verizon policies."[572] Vendors were not authorized to resume telemarketing calls until they successfully completed this review process.

d. Discussion

168. As we noted in the *Verizon New Jersey Order,* potential violations of federal telecommunications law could be relevant to the section 271 inquiry.[573] In that order, we

(Continued from previous page)

processing system to detect any non-test orders that might be incorrectly submitted. Any non-test order was cancelled, the customer was notified, and his or her PIC was restored to the original carrier. *Id.* at 4.

568 *Id.* at 4. Between January 1, 2001 and June 30, 2002, sales representatives accepted approximately four orders for toll-free numbers that terminated in Delaware and approximately thirteen orders for toll-free numbers that terminated in New Hampshire. From February to July 2002, sales representatives accepted approximately 5 orders from business customers. In May and June 2002, Verizon sales representatives accepted orders from six customers for long distance service in Delaware. Verizon states that it has taken steps to modify its service order processor to reject any order for a telephone number that corresponds to a non-section 271 authorized state, including Delaware. A sales representative quoted a price to a customer who called inquiring about long distance service in Delaware. Verizon claims that the sales representative's supervisor identified the error on the same day, notified the sales representative immediately, and informed the customer of the error.

569 *Id.* at 4-5.

570 *Id.* at 4.

571 *Id.* at *5*.

572 *Id.*

573 *See Verizon New Jersey Order*, 17 FCC Rcd at 12368, para. 190.

examined evidence of premature marketing to more than a half-million customers, resulting from conduct that occurred at approximately the same time as the conduct disclosed in this proceeding. Moreover, in the *Verizon New Jersey Order*, and under the circumstances of that case, we concluded that we would not deny or delay the application under the public interest standard.[574] Similarly, we take no position in this proceeding on whether Verizon's actions violate section 272(g)(2) of the Act.[575] Instead, we defer any enforcement action pending the outcome of the Enforcement Bureau's investigation of this matter. Regardless of what enforcement action we may take in the future, we remind Verizon and all BOCs that they should not market long distance service in an in-region state prior to receiving section 271 approval from the Commission for that particular state. Further, because this problem appears to have arisen with disturbing frequency in recent months,[576] we find it necessary to emphasize, once again, that carriers must exercise extreme caution. We have not yet found that premature marketing would warrant rejection of an application under the public interest standard, under the circumstances of specific cases so far, but could and may do so.

C. Assurance of Future Compliance

169. As set forth below, we find that the Performance Assurance Plans (PAPs) currently in place in New Hampshire and Delaware will provide assurance that the local market will remain open after Verizon receives section 271 authorization.[577] We have examined certain key aspects of each PAP and we find that the plans are likely to provide incentives that are sufficient to foster post-entry checklist compliance. The New Hampshire and Delaware Commissions each adopted a self-executing PAP, modeled on the PAPs adopted in New York, Massachusetts, and Connecticut.[578] The New Hampshire PAP uses the same general standards and measures set forth in the New York Carrier to Carrier guidelines.[579] Both the New

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574 *Verizon New Jersey Order*, 17 FCC Rcd at 12368, para. 190.

575 *Verizon New Jersey Order* 17 FCC Rcd at 12367, para. 189.

576 *See Verizon New Jersey Order* 17 FCC Rcd at 12367, para. 189; *BellSouth Alabama, Kentucky, Mississippi, North Carolina, and South Carolina Order,* at paras. 297-299.

577 *Ameritech Michigan Order*, 12 FCC Rcd at 20748-50, paras. 393-98. In all of the previous applications that the Commission has granted to date, the applicant was subject to an enforcement plan administered by the relevant state commission to protect against backsliding after BOC entry into the long distance market.

578 Verizon Application at 126-128; s*ee* Joint Declaration of Elaine M Guerard, Julie A. Canny, Beth A. Abesamis, and Marilyn C. DeVito (Performance Measurements – New Hampshire and Delaware) at paras. 105, 130, 132, and 140. (Guerard et al. Joint Declaration).

579 *See* Guerard et al. Joint Decl. at paras. 16-18. The Delaware Commission "has approved the use of the New York Guidelines in Delaware, and in July 2002 Verizon expects to begin reporting its performance under a set of measurements that are essentially identical to those in place in New York, Massachusetts, and New Hampshire." (cite para. in Guerard et al.)

Hampshire and Delaware PAPs expose Verizon to the same level of liability as the Massachusetts PAP.[580]

170. The Delaware plan differs only minimally from the New Hampshire plan.[581] The primary distinction involves the metric associated with flow-through of UNE orders. The Delaware benchmarks for this metric will be implemented over the course of one year; the New Hampshire flow-through benchmarks will be implemented over a shorter period.[582] In addition, the New Hampshire Commission has required Verizon to develop a rapid response process to resolve disagreements among carriers.[583]

171. As in prior section 271 orders, our conclusions are based on a review of several key elements in the PAP: total liability at risk; the definitions of the performance measurements and standards; the structure of the plan; the self-executing nature of remedies in the plan; the plan's data validation and audit procedures; and the plan's accounting requirements.[584] We find generally that the Delaware and New Hampshire PAPs satisfy our analysis in each of these key elements. Both the Delaware and New Hampshire plans were developed in open proceedings with participation by all sections of the industry and that concerns raised by commenters in those proceedings were considered by the Delaware and New Hampshire Commissions.[585] Based on the record in each state, the Delaware and New Hampshire Commissions each approved the PAPs.[586] We find that these PAPs, together with our section 271(b)(6) authority and the continuing oversight of the respective state commissions, provide reasonable assurance that the local market will remain open after 271 authority is granted. No commenter has raised any issues relating to the PAP in the record before us.

VII. SECTION 271(D)(6) ENFORCEMENT AUTHORITY

172. Section 271(d)(6) of the Act requires Verizon to continue to satisfy the "conditions required for ... approval" of its section 271 application after the Commission

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[580] Guerard et al. Joint Decl. at paras. 100, 132. The New Hampshire Commission required that Verizon increase the total amount at risk to bring it into alignment with the 39-percent-of-net-return liability exposure in neighboring states. *Id*., para. 100.

[581] Guerard et al. Joint Decl. at para. 132.

[582] Guerard et al. Joint Decl. at paras. 53, 135.

[583] Guerard et al. Joint Decl. at para. 131; *Opinion Letter Regarding Verizon NH's Compliance with the Requirements of Section 271 of the Federal telecommunications Act of 1996* at 3 (App. B-NH, Tab 24).

[584] *See, e.g., Verizon Massachusetts Order*, 16 FCC Rcd at 9121-25, paras. 240-49; *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6377-81, paras. 273-80.

[585] *See* Verizon Application at 122-23.

[586] New Hampshire Commission Comments 18-20; Delaware Commission Comments at 4-5.

approves its application.[587] Thus, the Commission has a responsibility not only to ensure that Verizon is in compliance with section 271 today, but also that it remains in compliance in the future. As the Commission has already described the post-approval enforcement framework and its section 271(d)(6) enforcement powers in detail in prior orders, it is unnecessary to do so again here.[588]

173. Working in concert with the New Hampshire and Delaware Commissions, we intend to monitor closely Verizon's post-approval compliance for New Hampshire and Delaware to ensure that Verizon does not "cease[] to meet any of the conditions required for [section 271] approval."[589] We stand ready to exercise our various statutory enforcement powers quickly and decisively in appropriate circumstances to ensure that the local market remains open in New Hampshire and Delaware. We are prepared to use our authority under section 271(d)(6) if evidence shows market opening conditions have not been maintained.

174. We require Verizon to report to the Commission all New Hampshire and Delaware carrier-to-carrier performance metric results and Performance Assurance Plans monthly reports beginning with the first full month after the effective date of this Order, and for each month thereafter for one year unless extended by the Commission. These results and reports will allow us to review, on an ongoing basis, Verizon's performance to ensure continued compliance with the statutory requirements. We are confident that cooperative state and federal oversight and enforcement can address any backsliding that may arise with respect to Verizon's entry into the New Hampshire and Delaware long distance markets.[590]

VIII. CONCLUSION

175. For the reasons discussed above, we grant Verizon's application for authorization under section 271 of the Act to provide in-region, interLATA services in the states of New Hampshire and Delaware.

IX. ORDERING CLAUSES

176. Accordingly, IT IS ORDERED that, pursuant to sections 4(i), 4(j), and 271 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 271, Verizon’s joint

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587 47 U.S.C. § 271(d)(6).

588 *See, e.g.*, *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6382-84, paras. 283-85; *SWBT Texas Order*, 15 FCC Rcd at 18567-68, paras. 434-36; *Bell Atlantic New York Order*, 15 FCC Rcd at 4174, paras. 446-53.

589 47 U.S.C. § 271(d)(6)(A).

590 *See, e.g.*, *Bell Atlantic-New York Order*, 15 FCC Rcd at 5413-23, paras. 1-25 (2000) (adopting consent decree between the Commission and Bell Atlantic that included provisions for Bell Atlantic to make a voluntary payment of $3,000,000 to the United States Treasury, with additional payments if Bell Atlantic failed to meet specific performance standards and weekly reporting requirements to gauge Bell Atlantic’s performance in correcting the problems associated with its electronic ordering systems).

application to provide in-region, interLATA services in the states of New Hampshire and Delaware, filed on June 27, 2002, IS GRANTED.

177. IT IS FURTHER ORDERED that Verizon's motion to the Commission to waive the page limit for Verizon's joint application to provide in-region, interLATA service in the states of New Hampshire and Delaware IS GRANTED.

178. IT IS FURTHER ORDERED that this Order SHALL BECOME EFFECTIVE October 4, 2002.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

APPENDIX A

List of Commenters

Verizon New England Inc., et al., Section 271 Application to Provide-In-Region InterLATA Service in New Hampshire and Delaware

CC Docket No. 02-157

Comments

Commenters:

Alliance for Public Technology ("APT")
AT&T Corp.
Cavalier Telephone Mid-Atlantic, L.L.C.
Freedom Ring Communications, L.L.C. d/b/a BayRing Communications
Sprint Communications Company L.P.
Telecommunications Research & Action Center ("TRAC")
WorldCom, Inc.

Reply Comments

Commenters:

AT&T Corp.
The Destek Group, Inc.
Freedom Ring Communications, L.L.C. d/b/a BayRing Communications

Appendix B

New Hampshire Performance Metrics

All data included here are taken from the New Hampshire Carrier-to-Carrier Reports. This table is provided as a reference tool for the convenience of the reader. No conclusions are to be drawn from the raw data contained in this table. Our analysis is based on the totality of the circumstances, such that we may use non-metric evidence, and may rely more heavily on some metrics more than others, in making our determination. The inclusion of these particular metrics in this table does not necessarily mean that we relied on all of these metrics nor that other metrics may not also be important in our analysis. Some metrics that we have relied on in the past and may rely on for a future application were not included here because there was no data provided for them (usually either because there was no activity, or because the metrics are still under development). Metrics with no retail analog provided are usually compared with a benchmark. Note that for some metrics during the period provided, there may be changes in the metric definition, or changes in the retail analog applied, making it difficult to compare the data over time.

PERFORMANCE METRICS CATAGORIES

Metric Number	Metric Name
Preorder and OSS Availability:	
OR-1-02	% On Time LSRC - Flow Through
OR-1-04	% On Time LSRC (Electronic - No Flow Through)
OR-1-06	% On Time LSRC (Electronic - No Flow Through)
OR-1-08	% On Time LSRC (Fax)
OR-1-10	% On Time LSRC Lines (Fax)
OR-1-12	% On Time FOC <= 192 Forecasted Trunks
OR-1-13	% On Time Design Layout Record (DLR)
OR-1-19	% On Time Resp. - Request for Inbound Augment Trunks
PO-1-01	Average Response Time – Customer Service Record
PO-1-02	Average Response Time - Due Date Availability
PO-1-03	Average Response Time - Address Validation
PO-1-04	Average Response Time - Product and Service Availability
PO-1-05	Average Response Time - Telephone Number Availability and Reservation
PO-1-06	Average Response Time - Facility Availability - (ADSL Loop Qualification)
PO-1-07	Average Response Time - Rejected Query
PO-1-08	% Timeouts
PO-1-09	Parsed CSR
PO-2-02	OSS Interface Availability – Prime Time - EDI - Pre-Ordering
PO-2-03	OSS Interface Availability – Non-Prime Time - Electronic Bonding - Maintenance
PO-4-01	% Change Management Notices sent on Time
PO-5-01	Average Notice of Interface Outage
PO-6-01	Software Validation
PO-7-01	% Software Problem Res. Timeliness
PO-7-02	Delay Hrs. - S/W Res. - Change - Xactions Failed, No Workaround

Metric Number	Metric Name
Ordering:	
OR-2-02	% On Time LSR Reject - Flow Through
OR-2-04	% On Time LSR Reject (Electronic - No Flow Through)
OR-2-06	% On Time LSR Reject (Electronic - No Flow Through)
OR-2-08	% On Time LSR Reject (Fax)
OR-2-10	% On Time LSR Reject (Fax)
OR-2-12	% On Time Trunk ASR Reject <= 192 Forecasted Trunks
OR-3-01	% Rejects
OR-3-02	% Resubmission Not Rejected
OR-4-11	% Completed orders with neither a PCN nor BCN sent
OR-4-16	% Provisioning Completion Notifiers sent within one (1) Business Day
OR-4-17	% Billing Completion Notifier sent within two (2) Business Days
OR-5-01	% Flow Through - Total
OR-5-03	% Flow Through Achieved
OR-6-01	% Accuracy - Orders
OR-6-03	% Accuracy – Local Service Confirmation
OR-7-01	% Order Confirmations/Rejects Sent Within 3 Business Days
Provisioning:	
PR-1-09	Average Interval Offered – Total
PR-3-01	% Completed in 1 Day (1-5 Lines - No Dispatch)
PR-3-03	% Completed in 3 Days (1-5 Lines - No Dispatch)
PR-3-06	% Completed in 3 Days (1-5 Lines - Dispatch)
PR-3-08	% Completed in 5 Days (1-5 Lines – No Dispatch)
PR-3-09	% Completed in 5 Days (1-5 Lines – Dispatch)

PERFORMANCE METRICS CATAGORIES

Metric Number	Metric Name
PO-7-03	Delay Hrs. - S/W Res. - Change - Xactions Failed, With Workaround
PO-7-04	Delay Hrs. - Failed/Rejected Test Deck - Xactions Failed, No W/A
PO-8-01	% On Time - Manual Loop Qualification
PO-8-02	% On Time - Engineering Record Request
MR-1-01	Average Response Time - Create Trouble - Electronic Bonding
MR-1-02	Average Response Time - Status Trouble - Electronic Bonding
MR-1-03	Average Response Time - Modify Trouble - Electronic Bonding
MR-1-04	Average Response Time - Request Cancellation of Trouble - Electronic Bonding
MR-1-05	Average Response Time - Trouble Report History (by TN/Circuit) - Electronic Bonding
MR-1-06	Average Response Time - Test Trouble (POTS Only) - Electronic Bonding
Change Management, Billing, OS/DA, Interconnection and	
BI-1-02	% DUF in 4 Business Days
BI-2-01	Timeliness of Carrier Bill - Paper Bills
BI-3-04	% CLEC Billing Claims Acknowledged within 2 Business Days
BI-3-05	% CLEC Billing Claims Resolved within 28 Calendar Days After Acknowledgment
NP-1-02	% FTG Exceeding Blocking Standard (No Exceptions) - Final Trunks
NP-1-03	Number Dedicated FTG Exceeding Blocking Standard – 2 Months
NP-1-04	Number Dedicated FTG Exceeding Blocking Standard – 3 Months
NP-2-01	% On Time Response to Request for Physical Collocation
NP-2-02	% On Time Response to Request for Virtual Collocation

Metric Number	Metric Name
PR-4-01	% Missed Appt. – VZ – Total
PR-4-02	Average Delay Days – Total
PR-4-03	% Missed Appt. – Customer
PR-4-04	% Missed Appt. – VZ – Dispatch
PR-4-05	% Missed Appt. – VZ – No Dispatch
PR-4-07	% On Time Performance - LNP
PR-4-08	% Missed Appt. – Customer – Due to Late Order Confirmation
PR-4-14	% Completed on Time
PR-5-01	% Missed Appointment – Verizon – Facilities
PR-5-02	% Orders Held for Facilities > 15 Days
PR-5-03	% Orders Held for Facilities > 60 Days
PR-6-01	% Installation Troubles reported within 30 Days
PR-6-03	% Inst. Troubles reported w/ in 30 Days - FOK/TOK/CPE
PR-8-01	% Open Orders in a Hold Status > 30 Days
PR-8-02	% Open Orders in a Hold Status > 90 Days
PR-9-01	% On Time Performance - Hot Cuts - Loop
Maintenance and Repair:	
MR-2-01	Network Trouble Report Rate
MR-2-02	Network Trouble Report Rate – Loop
MR-2-03	Network Trouble Report Rate – Central Office

PERFORMANCE METRICS CATAGORIES

Metric Number	Metric Name
NP-2-03	Average Interval – Physical Collocation
NP-2-04	Average Interval – Virtual Collocation
NP-2-05	% On Time – Physical Collocation
NP-2-06	% On Time – Virtual Collocation
NP-2-07	Average Delay Days – Physical Collocation
NP-2-08	Average Delay Days – Virtual Collocation

Metric Number	Metric Name
MR-2-04	% Subsequent Reports
MR-2-05	% CPE/TOK/FOK Trouble Report Rate
MR-3-01	% Missed Repair Appointment – Loop
MR-3-02	% Missed Repair Appointment – Central Office
MR-3-03	% Missed Repair Appointment — CPE /TOK/FOK
MR-4-01	Mean Time To Repair – Total
MR-4-02	Mean Time to Repair - Loop Trouble
MR-4-03	Mean Time To Repair – Central Office Trouble
MR-4-04	% Cleared (all troubles) within 24 Hours
MR-4-05	% Out of Service > 2 Hours
MR-4-06	% Out of Service > 4 hours
MR-4-07	% Out of Service > 12 hours
MR-4-08	% Out of Service > 24 Hours
MR-5-01	% Repeat Reports within 30 Days

NEW HAMPSHIRE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
OSS & BILLING (Pre-Ordering) - POTS/Special Services												
PRE-ORDERING												
PO-1 - Response Time OSS Pre-Ordering Interface												
PO-1-01-6020	Customer Service Record - EDI	1.3	2.55	1.32	2.55	1.34	2.79	1.29	2.63	0.76	2.52	
PO-1-01-6030	Customer Service Record - CORBA	1.3	0.69	1.32	0.74	1.34	0.68	1.29	0.7	0.76	0.95	
PO-1-01-6050	Customer Service Record -Web GUI	1.3	2.4	1.32	2.46	1.34	2.53	1.29	3.29	0.76	2.61	
PO-1-02-6020	Due Date Availability - EDI	0.06	NA	0.07	NA	0.07	NA	0.1	NA	0.06	NA	
PO-1-02-6030	Due Date Availability - CORBA	0.06	NA	0.07	NA	0.07	NA	0.1	NA	0.06	NA	
PO-1-02-6050	Due Date Availability - Web GUI	0.06	2.15	0.07	2.16	0.07	2.34	0.1	3.21	0.06	2.07	
PO-1-03-6020	Address Validation - EDI	3.96	4.67	3.98	5.01	4.67	4.85	4.92	4.93	4.4	5.39	
PO-1-03-6030	Address Validation - CORBA	3.96	NA	3.98	3	4.67	NA	4.92	3.23	4.4	3.23	2,4
PO-1-03-6050	Address Validation - Web GUI	3.96	4.94	3.98	5.14	4.67	5.52	4.92	5.71	4.4	5.17	
PO-1-04-6020	Product & Service Availability - EDI	8.44	NA	8.53	NA	9.26	NA	10.69	NA	8.8	NA	
PO-1-04-6030	Product & Service Availability - CORBA	8.44	NA	8.53	NA	9.26	NA	10.69	NA	8.8	NA	
PO-1-04-6050	Product & Service Availability - Web GUI	8.44	6.21	8.53	6.62	9.26	6.21	10.69	7.41	8.8	8.37	
PO-1-05-6020	Telephone Number Availability & Reservation - EDI	4.78	NA	4.77	NA	5.6	NA	6.06	NA	5.37	NA	
PO-1-05-6030	Telephone Number Availability & Reservation - CORBA	4.78	NA	4.77	NA	5.6	NA	6.06	NA	5.37	NA	
PO-1-05-6050	Telephone Number Availability & Reservation - Web GUI	4.78	6.83	4.77	6.63	5.6	7.74	6.06	6.92	5.37	6.7	
PO-1-06-6020	Average Response Time - Mechanized Loop Qualification - DSL - EDI	4.35	3.39	8.18	3.65	8.02	3.84	7.67	4.13	13.74	4.01	
PO-1-06-6030	Average Response Time - Mechanized Loop Qualification - DSL - CORBA	4.35	NA	8.18	NA	8.02	NA	7.67	NA	13.74	NA	
PO-1-06-6050	Average Response Time - Mechanized Loop Qualification - DSL - Web GUI	4.35	3.99	8.18	4.06	8.02	4.27	7.67	4.1	13.74	3.5	
PO-1-07-6020	Rejected Query - EDI	0.04	2.26	0.04	2.3	0.03	2.44	0.03	2.48	0.04	2.4	
PO-1-07-6030	Rejected Query - CORBA	0.04	0.58	0.04	0.57	0.03	0.59	0.03	0.59	0.04	0.58	
PO-1-07-6050	Rejected Query - Web GUI	0.04	2.87	0.04	2.75	0.03	3	0.03	3.54	0.04	2.81	

NEW HAMPSHIRE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PO-1-08-6020	% Timeouts - EDI		0.07		0.12		0.18		0.15		0.33	
PO-1-08-6030	% Timeouts - CORBA		0		0		0		0		0	
PO-1-08-6050	% Timeouts - Web GUI		0.01		0.09		0.01		1.21		0.01	
PO-1-09-6020	Parsed CSR - EDI	1.3	1.52	1.32	2.19	1.34	2.63	1.29	1.88	0.76	2.3	1,3,4
PO-1-09-6030	Parsed CSR - CORBA	1.3	0.24	1.32	0.42	1.34	0.19	1.29	0.27	0.76	0.42	2,3,4
PO-2 - OSS Interface Availability												
PO-2-02-6020	OSS Interf. Avail. – Prime Time – EDI		100		100		100		100		100	
PO-2-02-6030	OSS Interf. Avail. – Prime Time – CORBA		100		100		100		100		100	
PO-2-02-6060	OSS Interf. Avail. – Prime Time – Electronic Bonding		100		100		100		100		100	
PO-2-02-6080	OSS Interf. Avail. – Prime Time – Maint./Web GUI/Pre-Order/Ordering WEB GUI		99.84		99.69		99.87		100		99.75	1,2,3,5
PO-2-03-6020	OSS Interf. Avail. – Non-Prime – EDI		99.73		99.2		99.54		99.51		99.26	1,2,3,4,5
PO-2-03-6030	OSS Interf. Avail. – Non-Prime – CORBA		99.83		99.78		99.92		99.84		99.8	1,2,3,4,5
PO-2-03-6040	OSS Interf. Avail. – Non-Prime – Maint. Web GUI (RETAS)		99.08		99.78		97.85					1,2,3
PO-2-03-6050	OSS Interf. Avail. – Non-Prime – Pre-order/Order WEB GUI		99.08		99.78		97.85					1,2,3
PO-2-03-6060	OSS Interf. Avail – Non-Prime – Electronic Bonding		100		100		100		100		100	
PO-2-03-6080	OSS Interf. Avail. – Non-Prime – Maint. Web GUI/Pre-Order/Ordering WEB GUI								98.98		99.89	4,5
PO-5 - Average Notification of Interface Outage												
PO-5-01-2000	Average Notice of Interface Outage		15		15		NA		NA		20	1,2,5
PO-6 - Software Validation												
PO-6-01-2000	Software Validation		0		R3		R3		R3		0	
PO-7 - Software Problem Resolution Timeliness												
PO-7-01-2000	% Software Problem Res. Timeliness		NA		NA		NA		R3		NA	
PO-7-02-2000	Delay Hrs. - S/W Res. - Change - Xactions Failed, No Workaround		NA		NA		NA		NA		NA	

NEW HAMPSHIRE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PO-7-03-2000	Delay Hrs. - S/W Res. - Change - Xactions Failed, With Workaround		NA		NA		NA		NA		NA	
PO-7-04-2000	Delay Hrs. - Failed/Rejected Test Deck - Xactions Failed, No W/A		NA		NA		NA		NA		NA	
PO-8 - Manual Loop Qualification												
PO-8-01-2000	% On Time - Manual Loop Qualification		NA		100		100		100		100	2,3,4,5
PO-8-02-2000	% On Time - Engineering Record Request		NA		NA		NA		NA		NA	
Change Notification												
PO-4 - Timeliness of Change Management Notice												
PO-4-01-6660	% Notices Sent on Time - Industry Standard, Verizon Orig. & CLEC Orig.		100		NA		100		NA		100	1,5
PO-4-01-6671	% Notices Sent on Time - Emergency Maint. & Regulatory		100		100		100		100		100	1,2,5
Change Confirmation												
PO-4 - Timeliness of Change Management Notice												
PO-4-01-6622	% Notices Sent on Time - Regulatory		NA		NA		NA		100		NA	
PO-4-01-6662	% Notices Sent on Time - Ind. Std., Verizon Orig. & CLEC Orig.		NA		NA		NA		100		100	5
TROUBLE REPORTING (OSS)												
MR-1 - Response Time OSS Maintenance Interface												
MR-1-01-2000	Create Trouble	7.83	3.81	8.1	3.92	8.76	3.58	8.8	3.59	8.34	3.57	
MR-1-02-2000	Status Trouble	5.07	5.09	4.68	0.49	4.28	0.39	4.5	0.41	4.12	4.49	2,3,4,5
MR-1-03-2000	Modify Trouble	7.52	NA	7.88	NA	8.58	NA	8.78	NA	8.14	NA	
MR-1-04-2000	Request Cancellation of Trouble	9.18	0.38	9.26	3.17	9.87	NA	10.37	3.19	9.52	5.74	1,2,4,5
MR-1-05-2000	Trouble Report History (by TN/Circuit)	0.29	0.88	0.28	0.93	0.27	0.81	0.29	0.75	0.32	0.78	
MR-1-06-2000	Test Trouble (POTS Only) - RETAIL only	56.03	47.37	55.59	48.14	56.11	46.66	54.32	45.92	52.33	50.22	
BILLING												
BI-1 - Timeliness of Daily Usage Feed												
BI-1-02-2030	% DUF in 4 Business Days		99.94		99.96		99.94		98.63		99.85	
BI-2 - Timeliness of Carrier Bill												
BI-2-01-2030	Timeliness of Carrier Bill		100		98.82		95.79		99.56		100	

NEW HAMPSHIRE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
BI-3 - Billing Accuracy & Claims Processing												
BI-3-04-2030	% CLEC Billing Claims Acknowledged within 2 Business Days		83.33		100		100		100		100	
BI-3-05-2030	% CLEC Billing Claims Resolved within 28 Calendar Days After Acknowledgment		60		92.59		100		100		57.69	
Resale (Ordering) - POTS/Special Services												
RESALE Ordering												
OR-10 - PON Notifier Exception Resolution Timeliness												
OR-10-01-2000	% of PON Exceptions Resolved Within Three (3) Business Days											
OR-10-02-2000	% of PON Exceptions Resolved Within Ten (10) Business Days											
POTS & Pre-qualified Complex - Electronically Submitted												
OR-1 - Order Confirmation Timeliness												
OR-1-02-2320	% On Time LSRC – Flow Through		99.79		100		99.79		100		100	
OR-1-04-2100	% On Time LSRC No Facility Check		96.94		98.6		99.32		100		98.32	
OR-1-06-2320	% On Time LSRC/ASRC Facility Check		100		97.94		98.25		100		100	
OR-2 - Reject Timeliness												
OR-2-02-2320	% On Time LSR Reject – Flow Through		100		99.35		100		100		100	
OR-2-04-2320	% On Time LSR Reject No Facility Check		99.21		100		98.73		100		100	
OR-2-06-2320	% On Time LSR/ASR Reject Facility Check		100		100		100		100		100	
2 Wire Digital Services												
OR-1 - Order Confirmation Timeliness - Requiring Loop Qualification												
OR-1-04-2341	% On Time LSRC No Facility Check		100		100		100		100		100	1,2,5
OR-1-06-2341	% On Time LSRC/ASRC Facility Check		100		NA		NA		100		100	1,4,5
OR-2 - Reject Timeliness - Requiring Loop Qualification												
OR-2-04-2341	% On Time LSR Reject No Facility Check		100		100		85.71		100		100	1,2,3
OR-2-06-2341	% On Time LSR/ASR Reject Facility Check		100		NA		NA		100		100	1,4,5

NEW HAMPSHIRE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
POTS / Special Services - Aggregate												
OR-3 - Percent Rejects												
OR-3-01-2000	% Rejects		27.37		37.42		38.5		36.56		40	
OR-3-02-2000	% Resubmission Not Rejected		NA		NA		NA		NA		NA	
OR-4 - Timeliness of Completion Notification												
OR-4-11-2000	% Completed orders with neither a PCN nor BCN sent		UD		0		0		0.68		0	
OR-4-16-2000	% Provisioning Completion Notifiers sent within one (1) Business Day		UD		50.75		71.26		79.59		86.49	
OR-4-17-2000	% Billing Completion Notifier sent within two (2) Business Days		UD		98.51		99.4		97.96		99.32	
OR-5 - Percent Flow-Through												
OR-5-01-2000	% Flow Through - Total		66.28		60.05		55.09		53.8		58.51	
OR-5-03-2000	% Flow Through Achieved		89.31		91.91		90.69		93.49		94.3	
OR-6 - Order Accuracy												
OR-6-01-2000	% Accuracy – Orders		96.76		95.98		95.39		99.19		99.19	
OR-6-03-2000	% Accuracy – LSRC		0		0.1		0.21		0.06		0.23	
OR-7 - Order Completeness												
OR-7-01-2000	% Order Confirmation/Rejects sent within 3 Business Days		99.8		99.47		99.43		99.85		99.68	
Special Services - Electronically Submitted												
OR-1 - Order Confirmation Timeliness												
OR-1-04-2210	% On Time LSRC No Facility Check DS0		NA		NA		NA		NA		NA	
OR-1-04-2211	% On Time LSRC No Facility Check DS1		NA		NA		NA		NA		NA	
OR-1-04-2213	% On Time LSRC No Facility Check DS3		NA		NA		NA		NA		NA	
OR-1-04-2214	% On Time LSRC No Facility Check (Non DS0, DS1, & DS3)		100		100		100		100		94.44	
OR-1-06-2210	% On Time LSRC/ASRC Facility Check DS0		NA		NA		NA		NA		NA	
OR-1-06-2211	% On Time LSRC/ASRC Facility Check DS1		NA		NA		NA		NA		NA	

NEW HAMPSHIRE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
OR-1-06-2213	% On Time LSRC/ASRC Facility Check DS3		NA		NA		NA		NA		NA	
OR-1-06-2214	% On Time LSRC/ASRC Facility Check (Non DS0, DS1, & DS3)		100		NA		100		NA		NA	1,3
OR-2 - Reject Timeliness												
OR-2-04-2200	% On Time LSR Reject No Facility Check		100		100		100		100		100	
OR-2-06-2200	% On Time LSR/ASR Reject Facility Check		100		100		100		100		NA	1,2,3,4
Resale (Provisioning) - POTS/Special Services												
POTS - Provisioning - Total												
PR-4 - Missed Appointments												
PR-4-02-2100	Average Delay Days – Total	5.43	NA	4.96	15	3.71	3	4.23	1	5.32	5.5	2,3,4,5
PR-4-03-2100	% Missed Appointment – Customer		1.09		3.02		3.09		3.65		4.42	
PR-4-04-2100	% Missed Appointment – Verizon – Dispatch	5.44	0	4.39	1.09	4.17	1.89	4.01	1.74	5.67	2.02	
PR-4-05-2100	% Missed Appointment – Verizon – No Dispatch	0	0	0	0	0.01	0	0	0	0.01	0	
PR-6 - Installation Quality												
PR-6-01-2100	% Installation Troubles reported within 30 Days	2.62	0.88	3.19	1.11	2.88	1.3	3.78	2.32	4.57	2.3	
PR-6-03-2100	% Inst. Troubles reported w/ in 30 Days - FOK/TOK/CPE		1.1		1.82		0.65		2.02		1.45	
PR-8 - Open Orders in a Hold Status												
PR-8-01-2100	Open Orders in a Hold Status > 30 Days	0	0	0	0	0	0	0	0	0	0	
PR-8-02-2100	Open Orders in a Hold Status > 90 Days	0	0	0	0	0	0	0	0	0	0	
POTS & Complex Aggregate												
2-Wire Digital Services												
PR-4 - Missed Appointments												
PR-4-02-2341	Average Delay Days – Total	6	NA	NA	NA	NA	NA	NA	NA	NA	NA	
PR-4-03-2341	% Missed Appointment – Customer		10		14.29		0		0		0	2,4,5

NEW HAMPSHIRE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PR-4-04-2341	% Missed Appointment – Verizon – Dispatch	6.25	0	0	0	0	0	0	NA	0	0	1,2,3,5
PR-4-05-2341	% Missed Appointment – Verizon – No Dispatch	0	0	0	0	0	0	0	0	0	0	1,2,3,4,5
PR-4-08-2341	% Missed Appt. – Customer – Late Order Conf.		0		0		0		0		0	2,4,5
PR-6 - Installation Quality												
PR-6-01-2341	% Install. Troubles Reported within 30 Days	2.88	0	0	0	1.63	0	2.5	0	0	0	
PR-6-03-2341	% Install. Troubles Reported w/in 30 Days - FOK/TOK/CPE		0		0		0		0		10	
PR-8 - Open Orders in a Hold Status												
PR-8-01-2341	Open Orders in a Hold Status > 30 Days	0	0	0	0	0	0	0	0	0	0	2,4,5
PR-8-02-2341	Open Orders in a Hold Status > 90 Days	0	0	0	0	0	0	0	0	0	0	2,4,5
Special Services - Provisioning												
PR-4 - Missed Appointments												
PR-4-01-2210	% Missed Appointment – Verizon – DS0	0	0	7.14	0	10	0	0	0	4.17	0	1,2,3,4,5
PR-4-01-2211	% Missed Appointment – Verizon – DS1	11.11	NA	16.67	NA	14.89	0	19.57	NA	10.53	NA	3
PR-4-01-2213	% Missed Appointment – Verizon – DS3	NA	NA	100	NA	NA	NA	50	NA	100	NA	
PR-4-01-2214	% Missed Appointment – Verizon – Special Other	14.29	0	0	0	0	NA	0	NA	0	0	1,2,5
PR-4-02-2200	Average Delay Days – Total	6.67	NA	16.2	NA	5	NA	10.8	NA	9.25	NA	
PR-4-03-2200	% Missed Appointment – Customer		0		50		33.33		0		28.57	2,3,4,5
PR-4-08-2200	% Missed Appt. – Customer – Due to Late Order Conf.		0		0		0		0		0	1,2,3,4,5
PR-6- Installation Quality												
PR-6-01-2200	% Installation Troubles reported within 30 Days	2.48	0	10.87	16.67	10.48	0	9.84	5.56	10.2	0	
PR-6-03-2200	% Inst. Troubles reported w/ in 30 Days - FOK/TOK/CPE		3.23		8.33		0		5.56		0	
PR-8 - Open Orders in a Hold Status												

NEW HAMPSHIRE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PR-8-01-2200	Open Orders in a Hold Status > 30 Days	5.88	0	0	0	0	0	0	0	0	0	1,2,3,4,5
PR-8-02-2200	Open Orders in a Hold Status > 90 Days	0	0	0	0	0	0	0	0	0	0	1,2,3,4,5
Resale (Maintenance) - POTS/Special Services												
POTS - Maintenance												
MR-3 - Missed Repair Appointments												
MR-3-01-2110	% Missed Repair Appointment – Loop Bus.	10.28	1.61	9.13	2.59	19.8	18.45	12.42	6.48	22	18.45	
MR-3-01-2120	% Missed Repair Appointment – Loop Res.	7.4	0	7.74	0	14.64	0	9.37	7.69	14.05	7.69	1
MR-3-02-2110	% Missed Repair Appointment – Central Office Bus.	9.38	0	9.09	0	4.72	0	4.93	0	15.79	7.69	3
MR-3-02-2120	% Missed Repair Appointment – Central Office Res.	5.07	NA	5.39	0	4.9	0	2.51	0	7.85	0	2,3,4,5
MR-3-03-2100	% CPE/TOK/FOK - Missed Appointment		3.96		0.93		4.44		1.5		12.93	
MR-4 - Trouble Duration Intervals												
MR-4-01-2100	Mean Time To Repair – Total	18.41	11.72	16.65	7.91	21.57	13.13	19.01	10.06	23.28	11.09	
MR-4-02-2110	Mean Time To Repair – Loop Trouble - Bus.	9.11	13.31	8.29	7.89	12.53	13.58	9.39	9.96	10.11	9.75	
MR-4-02-2120	Mean Time To Repair – Loop Trouble - Res.	21.35	34.34	18.96	13.94	24.59	15.89	21.65	22.85	26.07	28.69	1
MR-4-03-2110	Mean Time To Repair – Central Office Trouble - Bus.	4.29	1.14	3.43	4.59	3.29	4.48	3.6	1.79	5.68	6.38	3
MR-4-03-2120	Mean Time To Repair – Central Office Trouble - Res.	6.71	NA	6.66	2.88	6.14	2.27	5.35	2.88	8.4	1.26	2,3,4,5
MR-4-04-2100	% Cleared (all troubles) within 24 Hours	74	93.1	77.77	97.14	65.17	83.08	71.65	95	62.54	88.64	
MR-4-06-2100	% Out of Service > 4 Hours	78.48	50	77.91	59.34	82.36	61.22	81.33	62.96	85.72	69.52	
MR-4-07-2100	% Out of Service > 12 Hours	57.15	32.26	51.32	30.77	64.59	37.76	60.25	40.74	65.14	39.05	
MR-4-08-2110	% Out of Service > 24 Hours - Bus.	4.6	5.08	2.72	1.19	11.57	18.82	5.41	3.03	6.53	6.59	
MR-4-08-2120	% Out of Service > 24 Hours - Res.	30.43	33.33	24.91	0	38.69	30.77	32.08	33.33	41.32	57.14	1,2
MR-5 - Repeat Trouble Reports												
MR-5-01-2100	% Repeat Reports within 30 Days	13.3	11.49	12.63	7.86	12.6	8.46	13.47	12.86	14.8	10.61	

NEW HAMPSHIRE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
2-Wire Digital Services - Maintenance												
MR-2 - Trouble Report Rate												
MR-2-02-2341	Network Trouble Report Rate – Loop	0.5	0.24	0.35	0.24	0.48	0.24	0.51	0	0.45	0.47	
MR-2-03-2341	Network Trouble Report Rate – Central Office	0.35	0	0.29	0	0.37	0	0.32	1.17	0.13	0	
MR-2-04-2341	% Subsequent Reports		50		0		0		28.57		33.33	1,2,3,4,5
MR-2-05-2341	% CPE/TOK/FOK Trouble Report Rate		1.21		0.97		0.24		3.52		1.41	
MR-3 - Missed Repair Appointments												
MR-3-01-2341	% Missed Repair Appointment – Loop	15.79	100	15.38	0	27.78	100	21.05	NA	35.29	0	1,2,3,5
MR-3-02-2341	% Missed Repair Appointment – Central Office	15.38	NA	18.18	NA	21.43	NA	16.67	20	40	NA	4
MR-3-03-2341	% CPE/TOK/FOK - Missed Appointment		20		0		0		0		0	1,2,3,5
MR-4 - Trouble Duration Intervals												
MR-4-01-2341	Mean Time To Repair – Total	11.42	26.6	14.44	18.4	17.63	27.83	16.63	16.49	20.38	10.13	1,2,3,4,5
MR-4-02-2341	Mean Time To Repair – Loop Trouble	12.21	26.6	16.14	18.4	18.91	27.83	23.8	NA	19.06	10.13	1,2,3,5
MR-4-03-2341	Mean Time To Repair – Central Office Trouble	10.26	NA	12.44	NA	15.99	NA	5.27	16.49	24.88	NA	4
MR-4-04-2341	% Cleared (all troubles) within 24 Hours	90.63	0	79.17	100	78.13	0	83.87	80	63.64	100	1,2,3,4,5
MR-4-07-2341	% Out of Service > 12 Hours	23.08	NA	0	NA	27.27	100	27.27	33.33	83.33	100	3,4,5
MR-4-08-2341	% Out of Service > 24 Hours	7.69	NA	0	NA	18.18	100	9.09	33.33	66.67	0	3,4,5
MR-5 - Repeat Trouble Reports												
MR-5-01-2341	% Repeat Reports within 30 Days	25	100	16.67	0	21.88	0	3.23	20	9.09	0	1,2,3,4,5
Special Services - Maintenance												
MR-2 - Trouble Report Rate												
MR-2-01-2200	Network Trouble Report Rate	0.16	0.32	0.21	0.34	0.32	0.72	0.31	0.21	0.36	0.28	
MR-2-05-2200	% CPE/TOK/FOK Trouble Report Rate		0.32		0.39		0.27		0.45		0.42	
MR-4 - Trouble Duration Intervals												
MR-4-01-2216	Mean Time To Repair – Total - Non DS0 & DS0	5.7	3.72	5.08	5.68	4.52	9.58	6.43	4.38	6.64	5.12	4,5
MR-4-01-2217	Mean Time To Repair – Total - DS1 & DS3	5.25	9.24	5.84	NA	7.69	NA	6.37	2.88	5.89	5.45	1,4,5

NEW HAMPSHIRE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
MR-4-04-2216	% Cleared (all troubles) within 24 Hours - Non DS0 & DS0	97.01	100	98.78	100	100	100	97.96	100	97.3	100	4,5
MR-4-04-2217	% Cleared (all troubles) within 24 Hours - DS1 & DS3	100	100	97.73	NA	94	NA	100	100	100	100	1,4,5
MR-4-06-2216	% Out of Service > 4 Hours - Non DS0 & DS0	48.48	55.56	40.26	62.5	42.59	73.68	57.29	50	52.78	50	2,4,5
MR-4-06-2217	% Out of Service > 4 Hours - DS1 & DS3	46.67	100	58.14	NA	60	NA	67.86	0	61.4	100	1,4,5
MR-4-08-2216	% Out of Service > 24 Hours - Non DS0 & DS0	3.03	0	1.3	0	0	0	2.08	0	2.78	0	2,4,5
MR-4-08-2217	% Out of Service > 24 Hours - DS1 & DS3	0	0	2.33	NA	6	NA	0	0	0	0	1,4,5
MR-5 - Repeat Trouble Reports												
MR-5-01-2200	% Repeat Reports within 30 Days	29.59	14.29	15.87	53.33	17.61	61.9	21.79	0	29.76	25	4,5
UNE (Ordering) - POTS/Special Services												
UNE Ordering												
OR-10 - PON Notifier Exception Resolution Timeliness												
OR-10-01-3000	% of PON Exceptions Resolved Within Three (3) Business Days											
OR-10-02-3000	% of PON Exceptions Resolved Within Ten (10) Business Days											
Platform												
OR-1 - Order Confirmation Timeliness												
OR-1-02-3143	% On Time LSRC – Flow Through		100		100		100		100		100	
OR-1-04-3143	% On Time LSRC No Facility Check		100		100		100		100		98.82	
OR-1-06-3143	% On Time LSRC/ASRC Facility Check		100		94.74		100		100		100	3
OR-2 - Reject Timeliness												
OR-2-02-3143	% On Time LSR Reject – Flow Through		100		100		100		100		100	
OR-2-04-3143	% On Time LSR Reject No Facility Check		100		100		100		98.61		100	
OR-2-06-3143	% On Time LSR/ASR Reject Facility Check		100		100		100		100		100	1,2,3,4,5
OR-6 - Order Accuracy												
OR-6-01-3143	% Accuracy - Orders		UR		99.75		96.85		99.75		98.75	
OR-6-03-3143	% Accuracy – LSRC		0		0		0.03		0.03		0	
OR-7 - Order Completeness												

NEW HAMPSHIRE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
OR-7-01-3143	% Order Confirmation/Rejects sent within 3 Business Days		100		100		99.63		97.43		99.25	
Loop/Pre-qualified Complex/LNP												
OR-1 - Order Confirmation Timeliness												
OR-1-02-3331	% On Time LSRC – Flow Through		99.91		99.86		99.9		99.97		99.97	
OR-1-04-3331	% On Time LSRC No Facility Check		98.85		99.52		99.26		99.68		99.25	
OR-1-06-3331	% On Time LSRC/ASRC Facility Check		99.48		98.7		100		98.91		99.08	
OR-2 - Reject Timeliness												
OR-2-02-3331	% On Time LSR Reject – Flow Through		100		99.77		99.44		100		99.77	
OR-2-04-3331	% On Time LSR Reject No Facility Check		100		100		100		100		99.47	
OR-2-06-3331	% On Time LSR/ASR Reject Facility Check		100		100		100		100		100	
OR-6 - Order Accuracy												
OR-6-01-3331	% Accuracy - Orders		98.21		99.01		97.11		99.17		100	
OR-6-03-3331	% Accuracy – LSRC		0.56		0.28		0.25		0.16		0.43	
OR-7 - Order Completeness												
OR-7-01-3331	% Order Confirmation/Rejects sent within 3 Business Days		99.83		99.92		99.84		99.84		99.77	
2 Wire Digital Services												
OR-1 - Order Confirmation Timeliness - Requiring Loop Qualification												
OR-1-04-3341	% On Time LSRC No Facility Check		100		96.43		100		100		97.06	
OR-1-06-3341	% On Time LSRC/ASRC Facility Check		NA		NA		NA		NA		NA	
OR-2 - Reject Timeliness - Requiring Loop Qualification												
OR-2-04-3341	% On Time LSR Reject No Facility Check		100		100		100		100		100	1,4,5
OR-2-06-3341	% On Time LSR/ASR Reject Facility Check		NA		NA		NA		NA		NA	
2 Wire xDSL Loops												
OR-1 - Order Confirmation Timeliness - Requiring Loop Qualification												
OR-1-04-3342	% On Time LSRC No Facility Check		100		100		100		100		100	
OR-1-06-3342	% On Time LSRC/ASRC - Facility Check		NA		NA		NA		NA		NA	
OR-2 - Reject Timeliness - Requiring Loop Qualification												
OR-2-04-3342	% On Time LSR Reject No Facility Check		100		100		100		100		100	
OR-2-06-3342	% On Time LSR/ASR Reject Facility Check		NA		NA		NA		NA		NA	

NEW HAMPSHIRE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
2 Wire xDSL Line Sharing & Line Splitting												
OR-1 - Order Confirmation Timeliness - Requiring Loop Qualification												
OR-1-04-3340	% On Time LSRC No Facility Check		100		100		NA		100		100	1,2,4,5
OR-1-06-3340	% On Time LSRC/ASRC - Facility Check		NA		NA		NA		NA		NA	
OR-2 - Reject Timeliness - Requiring Loop Qualification												
OR-2-04-3340	% On Time LSR Reject No Facility Check		100		100		NA		NA		NA	1,2
OR-2-06-3340	% On Time LSR/ASR Reject Facility Check		NA		NA		NA		NA		NA	
POTS / Special Services - Aggregate												
OR-3 - Percent Rejects												
OR-3-01-3000	% Rejects (ASRs + LSRs)		18.87		17.24		18.92		13.79		15.6	
OR-4 - Timeliness of Completion Notification												
OR-4-11-3000	% Completed orders with neither a PCN nor BCN sent		UD		0		0		0.68		0	
OR-4-16-3000	% Provisioning Completion Notifiers sent within one (1) Business Day		UD		50.75		71.26		79.59		86.49	
OR-4-17-3000	% Billing Completion Notifier sent within two (2) Business Days		UD		98.51		99.4		97.96		99.32	
OR-5 - Percent Flow-Through												
OR-5-01-3000	% Flow Through - Total		69.65		70.92		70.31		75.64		69.5	
OR-5-03-3000	% Flow Through Achieved		94.44		95.22		95.5		95.95		96.84	
Special Services - Electronically Submitted												
OR-1 - Order Confirmation Timeliness (ASRs + LSRs)												
OR-1-04-3210	% On Time LSRC No Facility Check DS0		NA		NA		NA		NA		NA	
OR-1-06-3210	% On Time LSRC/ASRC Facility Check DS0		NA		NA		NA		NA		0	5
OR-1-06-3211	% On Time LSRC/ASRC Facility Check DS1		86.21		96		98.15		100		100	
OR-1-06-3213	% On Time LSRC/ASRC Facility Check DS3		100		100		100		100		100	1,3,4,5

NEW HAMPSHIRE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
OR-1-06-3214	% On Time LSRC/ASRC Facility Check (Non DS0, Non DS1, & Non DS3)		100		NA		NA		NA		NA	1
OR-2 - Reject Timeliness (ASRs + LSRs)												
OR-2-04-3200	% On Time LSR Reject No Facility Check		100		NA		100		100		100	1,3,4,5
OR-2-06-3200	% On Time LSR/ASR Reject Facility Check		100		96.3		100					
OR-2-06-3210	% On Time LSR/ASR Reject Facility Check DS0								100		NA	4
OR-2-06-3211	% On Time LSR/ASR Reject Facility Check DS1								100		100	
OR-2-06-3213	% On Time LSR/ASR Reject Facility Check DS3								100		100	4,5
OR-2-06-3214	% On Time LSR/ASR Reject Facility Check (Non DS0, DS1, & DS3)								NA		NA	
Special Services - FAX/MAIL Submitted												
OR-1 - Order Confirmation Timeliness												
OR-1-08-3210	% On Time ASRC No Facility Check DS0		NA		NA		NA		NA		NA	
OR-1-10-3210	% On Time ASRC Facility Check DS0 (UNE EELs ordered via ASR)								NA		NA	
OR-1-10-3211	% On Time ASRC Facility Check DS1		NA		NA		NA		NA		NA	
OR-1-10-3213	% On Time ASRC Facility Check DS3		NA		NA		NA		NA		NA	
OR-1-10-3214	% On Time ASRC Facility Check (Non DS0, Non DS1, & Non DS3)		NA		NA		NA		NA		NA	
OR-2 - Reject Timeliness												
OR-2-08-3200	% On Time ASR Reject No Facility Check		NA		NA		NA		NA		NA	
OR-2-10-3200	% On Time ASR Reject Facility Check		NA		NA		NA		NA		NA	
UNE (Provisioning) - POTS/Special Services												
POTS - Provisioning												
PR-3 - Completed within X Days												
PR-3-01-3140	% Completed in 1 Day (1-5 Lines - No Dispatch) - Platform	88.94	92.18	89.02	98.49	75.51	97.3	79.33	90.16	87.96	80.56	

NEW HAMPSHIRE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PR-3-06-3113	% Completed in 3 Days (1-5 Lines - Dispatch) - Loop New	94.95	77.78	90.58	81.82	94.99	50	93.04	66.67	89.08	80	5
PR-3-06-3140	% Completed in 3 Days (1-5 Lines - Dispatch) - Platform	94.95	75	90.58	100	94.99	100	93.04	100	89.08	85.71	1,2,3,4,5
PR-3-08-3111	% Completed in 5 Days (1-5 Lines – No Dispatch) - Hot Cut Loop		98.88		99.12		100		100		100	
PR-3-09-3113	% Completed in 5 Days (1-5 Lines – Dispatch) - Loop New	97.19	100	97.12	100	98.28	100	96.76	100	95.81	100	5
PR-3-09-3140	% Completed in 5 Days (1-5 Lines – Dispatch) - Platform	97.19	75	97.12	100	98.28	100	96.76	100	95.81	100	1,2,3,4,5
PR-4 - Missed Appointments												
PR-4-02-3100	Average Delay Days – Total	5.43	10.67	4.96	49.67	3.71	1	4.23	2	5.32	2	1,2,3,4,5
PR-4-03-3100	% Missed Appt. – Customer		3.61		6.28		10.07		3.9		8.13	
PR-4-04-3113	% Missed Appt. – Verizon – Dispatch - Loop New	5.44	1.94	4.39	1.09	4.17	0.63	4.01	0.65	5.67	0	
PR-4-04-3140	% Missed Appt. – Verizon – Dispatch - Platform	5.44	6.25	4.39	8.33	4.17	0	4.01	0	5.67	5	
PR-4-05-3140	% Missed Appt. – Verizon – No Dispatch - Platform	0	0	0	0	0.01	0	0	0	0.01	0	
PR-5 - Facility Missed Orders												
PR-6 - Installation Quality												
PR-6-01-3112	% Installation Troubles reported within 30 Days - Loop	2.62	2.54	3.19	1.36	2.88	1.79	3.78	2.21	4.57	2.02	
PR-6-01-3121	% Installation Troubles reported within 30 Days - Platform	2.62	0.67	3.19	0	2.88	3.03	3.78	0.39	4.57	0.48	
PR-6-03-3112	% Installation Troubles reported within 30 Days - FOK/TOK/CPE – Loop		2.01		2.22		2.16		2.62		2.28	
PR-6-03-3121	% Installation Troubles reported within 30 Days - FOK/TOK/CPE – Platform		1.51		0.36		2.02		0.39		0.48	
PR-8 - Open Orders in a Hold Status												
PR-8-01-3100	Open Orders in a Hold Status > 30 Days	0	0	0	0	0	0	0	0	0	0	

NEW HAMPSHIRE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PR-8-02-3100	Open Orders in a Hold Status > 90 Days	0	0	0	0	0	0	0	0	0	0	
PR-9 - Hot Cuts Loops												
PR-9-01-3520	% On Time Performance – Hot Cut		98.94		97.84		98.65		98.47		99.59	
POTS & Complex Aggregate												
2-Wire Digital Services												
PR-4 - Missed Appointments												
PR-4-02-3341	Average Delay Days – Total	6	NA	NA	NA	NA	NA	NA	NA	NA	NA	
PR-4-03-3341	% Missed Appointment – Customer		6.25		5		5.26		6.9		12.5	
PR-4-04-3341	% Missed Appointment – Verizon – Dispatch	6.25	0	0	0	0	0	0	0	0	0	
PR-4-05-3341	% Missed Appointment – Verizon – No Dispatch	0	0	0	NA	0	NA	0	0	0	NA	1,4
PR-6 - Installation Quality												
PR-6-01-3341	% Install. Troubles Reported within 30 Days	4.05	12.5	4.23	17.5	4.23	5	3.98	6.06	5.24	6.9	
PR-6-03-3341	% Install. Troubles Reported within 30 Days - FOK/TOK/CPE		18.75		30		35		21.21		6.9	
PR-8 - Open Orders in a Hold Status												
PR-8-01-3341	Open Orders in a Hold Status > 30 Days	0	0	0	0	0	0	0	0	0	0	
PR-8-02-3341	Open Orders in a Hold Status > 90 Days	0	0	0	0	0	0	0	0	0	0	
2-Wire xDSL Loops												
PR-4 - Missed Appointments												
PR-4-02-3342	Average Delay Days – Total	NA	NA	10.67	NA	5	NA	NA	4	1	2	4,5
PR-4-03-3342	% Missed Appointment – Customer		5.06		6.74		11.11		1.69		1.15	
PR-4-04-3342	% Missed Appointment – Verizon – Dispatch		0		0		0		0		1.16	
PR-4-14-3342	% Completed On Time (with Serial Number)		98.63		96.97		95.95		98.36		98.88	
PR-6 - Installation Quality												
PR-6-01-3342	% Install. Troubles Reported within 30 Days	4.05	4.94	4.23	4.49	4.23	6.94	3.98	1.61	5.24	5.56	

NEW HAMPSHIRE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PR-6-03-3342	% Install. Troubles Reported within 30 Days - FOK/TOK/CPE		4.94		4.49		4.17		9.68		8.89	
PR-8 - Open Orders in a Hold Status												
PR-8-01-3342	Open Orders in a Hold Status > 30 Days	0	0	0	0	0	0	0	0	0	0	
PR-8-02-3342	Open Orders in a Hold Status > 90 Days	0	0	0	0	0	0	0	0	0	0	
2-Wire xDSL Line Sharing												
PR-3 - Completed within X Days												
PR-3-03-3343	% Completed in 3 Days (1-5 Lines - No Dispatch)	99.85	100	100	100	99.7	100	100	100	99.58	94.12	
PR-4 - Missed Appointments												
PR-4-02-3343	Average Delay Days – Total	1	1	1.75	NA	2.25	NA	NA	NA	2.14	17	1,5
PR-4-03-3343	% Missed Appointment – Customer		0		0		0		0		0	
PR-4-04-3343	% Missed Appointment – Verizon – Dispatch	0	25	0	0	1.96	0	0	0	3.92	33.33	1,2,3,4,5
PR-4-05-3343	% Missed Appointment – Verizon – No Dispatch	0.32	0	0.22	0	0.22	0	0	0	0.53	0	
PR-6 - Installation Quality												
PR-6-01-3343	% Install. Troubles Reported within 30 Days	0.4	0	0.51	0	0.63	0	0.23	0	0.5	4.35	
PR-6-03-3343	% Install. Troubles Reported within 30 Days - FOK/TOK/CPE		13.64		5.71		0		0		4.35	
PR-8 - Open Orders in a Hold Status												
PR-8-01-3343	Open Orders in a Hold Status > 30 Days	0	0	0	0	0	0	0	0	0	0	
PR-8-02-3343	Open Orders in a Hold Status > 90 Days	0	0	0	0	0	0	0	0	0	0	
2-Wire xDSL Line Splitting												
PR-4 - Missed Appointments												
PR-4-04-3345	% Missed Appointment – Verizon – Dispatch	0	NA	0	NA	1.96	NA	0	NA	3.92	NA	
PR-4-05-3345	% Missed Appointment – Verizon – No Dispatch	0.32	NA	0.22	NA	0.22	NA	0	NA	0.53	NA	
PR-5 - Facility Missed Orders												

NEW HAMPSHIRE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PR-5-01-3345	% Missed Appointment - Verizon Facilities	1.82	NA	3.13	NA	1.89	NA	0	NA	0	NA	
PR-6 - Installation Quality												
PR-6-01-3345	% Install. Troubles Reported within 30 Days	0.4	NA	0.51	NA	0.63	NA	0.23	NA	0.5	NA	
PR-6-03-3345	% Install. Troubles Reported within 30 Days - FOK/TOK/CPE		NA		NA		NA		NA		NA	
PR-8 - Open Orders in a Hold Status												
PR-8-01-3345	Open Orders in a Hold Status > 30 Days	0	NA	0	NA	0	NA	0	NA	0	NA	
Special Services - Provisioning												
PR-4 - Missed Appointments												
PR-4-01-3210	% Missed Appointment – Verizon – DS0	0	NA	7.14	NA	10	NA	0	NA	4.17	NA	
PR-4-01-3211	% Missed Appointment – Verizon – DS1	11.11	15.56	16.67	9.62	14.89	5.26	19.57	20.69	10.53	22.86	
PR-4-01-3213	% Missed Appointment – Verizon – DS3	NA	0	100	NA	NA	NA	50	NA	100	NA	1
PR-4-01-3214	% Missed Appointment – Verizon – Special Other	14.29	NA	0	NA	0	NA	0	NA	0	NA	
PR-4-01-3510	% Missed Appointment – Verizon – Total - EEL	11.11	50	16.67	33.33	14.89	0	19.57	100	10.53	NA	1,2,3,4
PR-4-01-3530	% Missed Appointment – Verizon – Total-IOF	NA	0	100	22.22	NA	4	50	40	100	12.5	4,5
PR-4-02-3200	Average Delay Days – Total	6.67	4.86	16.2	4	5	6.5	10.8	1.83	9.25	7.25	1,2,3,4,5
PR-4-02-3510	Average Delay Days – Total - EEL	8	23	21.33	49	5	NA	9.78	2	3	NA	1,2,4
PR-4-02-3530	Average Delay Days – Total - IOF	NA	NA	2	21	NA	18	20	15	30	18	2,3,4,5
PR-4-03-3200	% Missed Appointment – Customer		51.56		47.54		68.25		29.41		44.19	
PR-4-03-3510	% Missed Appointment – Customer - EEL		50		33.33		100		0		NA	2,3,4
PR-4-03-3530	% Missed Appointment – Customer - IOF								60		62.5	4,5
PR-4-08-3200	% Missed Appt. – Customer – Late Order Conf.		0		0		0		0		0	
PR-6 - Installation Quality												
PR-6-01-3200	% Installation Troubles reported within 30 Days	2.48	10.29	10.87	6.25	10.48	3.03	9.84	11.43	10.2	2.33	

NEW HAMPSHIRE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PR-6-03-3200	% Inst. Troubles reported w/ in 30 Days - FOK/TOK/CPE		0		0		0		0		0	
PR-8 - Open Orders in a Hold Status												
PR-8-01-3200	Open Orders in a Hold Status > 30 Days	5.88	0	0	0	0	0	0	0	0	0	
PR-8-02-3200	Open Orders in a Hold Status > 90 Days	0	0	0	0	0	0	0	0	0	0	
UNE (Maintenance) - POTS/Special Services												
Maintenance - POTS Loop												
MR-2 - Trouble Report Rate												
MR-2-02-3550	Network Trouble Report Rate – Loop	0.57	0.24	0.8	0.35	0.89	0.43	0.99	0.5	1.32	0.47	
MR-2-03-3550	Network Trouble Report Rate – Central Office	0.05	0.06	0.06	0.08	0.07	0.09	0.07	0.05	0.07	0.06	
MR-2-04-3550	% Subsequent Reports		45.34		44.35		47.2		42.05		45.92	
MR-2-05-3550	% CPE/TOK/FOK Trouble Report Rate		0.36		0.45		0.44		0.39		0.41	
MR-3 - Missed Repair Appointments												
MR-3-01-3550	% Missed Repair Appointment – Loop	7.81	1.41	7.91	0.95	15.36	3.17	9.76	1.33	15.09	0	
MR-3-02-3550	% Missed Repair Appointment – Central Office	6.12	0	6.31	0	4.85	4	3.19	15.38	9.83	NA	4
MR-3-03-3550	% CPE/TOK/FOK - Missed Appointment		4.76		3.73		3.91		3.45		3.97	
MR-4 - Trouble Duration Intervals												
MR-4-01-3550	Mean Time To Repair – Total	18.41	11.69	16.65	11.67	21.57	14.35	19.01	11.88	23.28	11.13	
MR-4-02-3550	Mean Time To Repair – Loop Trouble	19.6	12.97	17.49	12.41	22.89	15.18	20.03	12.09	24.04	11.12	
MR-4-03-3550	Mean Time To Repair – Central Office Trouble	6.11	6.36	5.86	8.31	5.44	10.16	4.86	8.76	7.72	4.05	
MR-5 - Repeat Trouble Reports												
MR-5-01-3550	% Repeat Reports within 30 Days	13.3	11.36	12.63	17.19	12.6	14.57	13.47	17.07	14.8	13.84	
Maintenance - POTS Platform												
MR-2 - Trouble Report Rate												
MR-2-02-3140	Network Trouble Report Rate – Platform	0.57	0.25	0.8	0.32	0.89	0.56	0.99	0.45	1.32	0.55	
MR-2-03-3140	Network Trouble Report Rate – Central Office	0.05	0.08	0.06	0.02	0.07	0.18	0.07	0.05	0.07	0	

NEW HAMPSHIRE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
MR-2-04-3140	% Subsequent Reports		7.14		6.67		6.45		4.55		14.29	
MR-2-05-3140	% CPE/TOK/FOK Trouble Report Rate		0.53		0.45		0.48		0.57		0.6	
MR-3 - Missed Repair Appointments												
MR-3-01-3144	% Missed Repair Appointment – Platform Bus.	10.28	11.11	9.13	0	19.8	10.53	12.42	6.25	22	4.76	
MR-3-01-3145	% Missed Repair Appointment – Platform Res.	7.4	0	7.74	0	14.64	0	9.37	0	14.05	33.33	1,2,3,4,5
MR-3-02-3144	% Missed Repair Appointment – Central Office Bus.	9.38	0	9.09	0	4.72	0	4.93	0	15.79	NA	1,2,3,4
MR-3-02-3145	% Missed Repair Appointment – Central Office Res.	5.07	NA	5.39	NA	4.9	NA	2.51	NA	7.85	NA	
MR-4 - Trouble Duration Intervals												
MR-4-01-3140	Mean Time To Repair – Total	18.41	8.85	16.65	9.79	21.57	9.56	19.01	10.6	23.28	14.96	
MR-4-04-3140	% Cleared (all troubles) within 24 Hours	74	84.62	77.77	100	65.17	89.66	71.65	95.24	62.54	87.5	
MR-4-06-3140	% Out of Service > 4 Hours	78.48	55.56	77.91	50	82.36	52.17	81.33	60	85.72	60	
MR-4-07-3140	% Out of Service > 12 Hours	57.15	33.33	51.32	50	64.59	26.09	60.25	33.33	65.14	45	
MR-5 - Repeat Trouble Reports												
MR-5-01-3140	% Repeat Reports within 30 Days	13.3	15.38	12.63	14.29	12.6	6.9	13.47	14.29	14.8	16.67	
2-Wire Digital Services - Maintenance												
MR-2 - Trouble Report Rate												
MR-2-02-3341	Network Trouble Report Rate - Loop	0.57	0.79	0.8	1.79	0.89	0.76	0.9831	0.62	1.32	0.98	
MR-2-03-3341	Network Trouble Report Rate - Central Office	0.06	0.26	0.06	0.38	0.07	0.25	0.0721	0.25	0.07	0.25	
MR-2-04-3341	% Subsequent Reports		20		10.53		11.11		22.22		28.57	
MR-3 - Missed Repair Appointments												
MR-3-01-3341	% Missed Repair Appointment – Loop	7.84	0	7.93	0	15.39	0	9.8	0	15.13	0	1,3,4,5
MR-3-02-3341	% Missed Repair Appointment – Central Office	6.42	0	6.59	0	5.29	0	3.51	0	10.15	0	1,2,3,4,5
MR-4 - Trouble Duration Intervals												
MR-4-01-3341	Mean Time To Repair - Total	18.36	9.47	16.64	7	21.55	5.42	19	11.45	23.27	6.32	1,3,4
MR-4-02-3341	Mean Time To Repair - Loop Trouble	19.56	10.83	17.49	7.43	22.88	5.9	20.04	11.25	24.04	7.53	1,3,4,5

NEW HAMPSHIRE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
MR-4-03-3341	Mean Time To Repair - Central Office Trouble	6.25	5.39	6.02	4.95	5.72	3.99	4.87	11.93	7.91	1.47	1,2,3,4,5
MR-4-07-3341	% Out of Service > 12 Hours	57.01	33.33	51.26	23.08	64.51	14.29	60.18	33.33	65.15	14.29	1,3,4,5
MR-4-08-3341	% Out of Service > 24 Hours	26.5	0	21.7	0	34.6	0	28.4	0	36.54	0	1,3,4,5
MR-5 - Repeat Trouble Reports												
MR-5-01-3341	% Repeat Reports within 30 Days	13.39	12.5	12.65	11.76	12.64	12.5	13.43	28.57	14.79	40	1,3,4
2-Wire xDSL Loops - Maintenance												
MR-2 - Trouble Report Rate												
MR-2-02-3342	Network Trouble Report Rate - Loop	0.57	0.38	0.8	0.42	0.89	0.47	0.9831	0.56	1.32	0.47	
MR-2-03-3342	Network Trouble Report Rate - Central Office	0.06	0	0.06	0.05	0.07	0	0.0721	0	0.07	0.05	
MR-3 - Missed Repair Appointments												
MR-3-01-3342	% Missed Repair Appointment – Loop	7.84	0	7.93	8.33	15.39	0	9.8	0	15.13	0	
MR-3-02-3342	% Missed Repair Appointment – Central Office	6.42	0	6.59	100	5.29	0	3.51	NA	10.15	0	1,2,3,5
MR-4 - Trouble Duration Intervals												
MR-4-02-3342	Mean Time To Repair - Loop Trouble	19.56	15.06	17.49	11.47	22.88	13.35	20.04	12.05	24.04	10.53	
MR-4-03-3342	Mean Time To Repair - Central Office Trouble	6.25	2.01	6.02	67.27	5.72	6.07	4.87	NA	7.91	1.33	1,2,3,5
MR-4-07-3342	% Out of Service > 12 Hours	57.01	57.14	51.26	33.33	64.51	27.27	60.18	50	65.15	28.57	1,4
MR-4-08-3342	% Out of Service > 24 Hours	26.5	0	21.7	11.11	34.6	27.27	28.4	0	36.54	0	1,4
MR-5 - Repeat Trouble Reports												
MR-5-01-3342	% Repeat Reports within 30 Days	13.39	9.09	12.65	30.77	12.64	0	13.43	0	14.79	20	
2-Wire xDSL Line Sharing - Maintenance												
MR-2 - Trouble Report Rate												
MR-2-02-3343	Network Trouble Report Rate - Loop	0.08	0	0.13	0	0.29	0.42	0.15	0.4	0.39	0.39	
MR-2-03-3343	Network Trouble Report Rate - Central Office	0.01	0	0.05	0	0.02	0	0.02	0	0.03	0	
MR-3 - Missed Repair Appointments												
MR-3-01-3343	% Missed Repair Appointment – Loop	0	NA	18.18	NA	11.11	0	20	0	17.07	0	3,4,5

NEW HAMPSHIRE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
MR-3-02-3343	% Missed Repair Appointment – Central Office	20	NA	22.22	NA	16.67	NA	0	NA	0	0	5
MR-4 - Trouble Duration Intervals												
MR-4-02-3343	Mean Time To Repair - Loop Trouble	15.19	NA	21.44	NA	18.97	27	26.14	23.13	21.95	26.42	3,4,5
MR-4-03-3343	Mean Time To Repair - Central Office Trouble	27.18	NA	10.94	NA	12.45	NA	13.46	NA	9.41	3.67	5
MR-4-04-3343	% Cleared (all troubles) within 24 Hours	83.33	NA	75	NA	72.73	0	64.71	100	75	50	3,4,5
MR-4-07-3343	% Out of Service > 12 Hours	75	NA	55	NA	59.38	NA	75	NA	69.05	50	5
MR-4-08-3343	% Out of Service > 24 Hours	16.67	NA	25	NA	25	NA	37.5	NA	26.19	50	5
MR-5 - Repeat Trouble Reports												
MR-5-01-3343	% Repeat Reports within 30 Days	58.33	NA	60	NA	57.58	100	70.59	0	50	50	3,4,5
2-Wire xDSL Line Splitting - Maintenance												
MR-2 - Trouble Report Rate												
MR-2-02-3345	Network Trouble Report Rate - Loop	0.08	NA	0.13	NA	0.29	NA	0.15	NA	0.39	NA	
MR-2-03-3345	Network Trouble Report Rate - Central Office	0.01	NA	0.05	NA	0.02	NA	0.02	NA	0.03	NA	
MR-2-04-3345	% Subsequent Reports		NA		NA		NA		NA		NA	
MR-2-05-3345	% CPE/TOK/FOK Trouble Report Rate		NA		NA		NA		NA		NA	
MR-3 - Missed Repair Appointments												
MR-3-01-3345	% Missed Repair Appointment – Loop	0	NA	18.18	NA	11.11	NA	20	NA	17.07	NA	
MR-3-02-3345	% Missed Repair Appointment – Central Office	20	NA	22.22	NA	16.67	NA	0	NA	0	NA	
MR-3-03-3345	%CPE/TOK/FOK - Missed Appointment		NA		NA		NA		NA		NA	
MR-4 - Trouble Duration Intervals												
MR-4-02-3345	Mean Time To Repair - Loop Trouble	15.19	NA	21.44	NA	18.97	NA	26.14	NA	21.95	NA	
MR-4-03-3345	Mean Time To Repair - Central Office Trouble	27.18	NA	10.94	NA	12.45	NA	13.46	NA	9.41	NA	
MR-5 - Repeat Trouble Reports												
MR-5-01-3345	% Repeat Reports within 30 Days	58.33	NA	60	NA	57.58	NA	70.59	NA	50	NA	
Special Services - Maintenance												
MR-2 - Trouble Report Rate												

NEW HAMPSHIRE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
MR-2-01-3200	Network Trouble Report Rate	0.16	1.61	0.21	2.51	0.32	3.08	0.31	2.71	0.36	1.86	
MR-2-05-3200	% CPE/TOK/FOK Trouble Report Rate		1.13		1.95		1.54		1.84		2.33	
MR-4 - Trouble Duration Intervals												
MR-4-01-3216	Mean Time To Repair – Total - Non DS0 & DS0	5.7	NA	5.08	NA	4.52	NA	6.43	NA	6.64	NA	
MR-4-01-3217	Mean Time To Repair – Total - DS1 & DS3	5.25	5.58	5.84	5.57	7.69	6.91	6.37	7.21	5.89	7.56	
MR-5 - Repeat Trouble Reports												
MR-5-01-3200	% Repeat Reports within 30 Days	29.59	29.41	15.87	22.22	17.61	18.75	21.79	7.14	29.76	15	
Trunks (Aggregate) - POTS/Special Services												
ORDERING												
OR 1 - Order Confirmation Timeliness												
OR-1-12-5020	% On Time FOC (<= 192 Forecasted Trunks)		NA		100		NA		100		100	2,4,5
OR-1-12-5030	% On Time FOC (> 192 and Unforecasted Trunks)		100		100		100		26.67		100	1,5
OR-1-13-5020	% On Time Design Layout Record (DLR)		100		100		100		100		NA	1,2,3,4
OR-1-19-5020	% On Time Resp. - Request for Inbound Augment Trunks (<= 192 Forecasted Trunks)		100		100		100		100		NA	1,2,3,4
OR-1-19-5030	% On Time Resp. - Request for Inbound Augment Trunks (> 192 Forecasted Trunks)		NA		NA		100		NA		NA	3
OR-2 - Reject Timeliness												
OR-2-12-5000	% On Time Trunk ASR Reject (<= 192 Forecasted Trunks)		NA		NA		NA		50		NA	4
PROVISIONING												
PR-1 - Average Interval Offered												
PR-1-09-5020	Av. Interval Offered – Total (<= 192 Forecasted Trunks)	17	NA	22.25	18	NA	NA	14.5	11	NA	24	2,4,5

NEW HAMPSHIRE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PR-1-09-5030	Av. Interval Offered – Total (> 192 & Unforecasted Trunks)	12	9	21.2	16	19.2	23.83	30.67	NA	23.31	17	1,2,3,5
PR-4 - Missed Appointment												
PR-4-01-5000	% Missed Appointment – Verizon – Total	0	0	0	0	0	0					
PR-4-02-5000	Average Delay Days - Total	NA	NA	NA	NA	NA	NA		NA		NA	
PR-4-03-5000	% Missed Appointment – Customer		34.62		7.14		61.19		31.82		16.67	
PR-4-07-3540	% On Time Performance – LNP Only		99.82		99.73		99.81		99.49		100	
PR-4-15-5000	% On Time Provisioning - Trunks								100		100	
PR-5 - Facility Missed Orders												
PR-5-01-5000	% Missed Appointment – Verizon – Facilities	0	0	0	0	0	0	0	0	0	0	
PR-5-02-5000	% Orders Held for Facilities > 15 Days	0	0	0	0	0	0	0	0	0	0	
PR-5-03-5000	% Orders Held for Facilities > 60 Days	0	0	0	0	0	0	0	0	0	0	
PR-6 - Installation Quality												
PR-6-01-5000	% Installation Troubles reported within 30 Days	0	0	0	0	0	0	0	0	0.07	0	
PR-6-03-5000	% Inst. Troubles reported within 30 Days - FOK/TOK/CPE		0		0		0		0		0	
MAINTENANCE												
MR-2 - Trouble Report Rate												
MR-2-01-5000	Network Trouble Report Rate	0	0	0	0	0	0	0	0	0	0	
MR-4 - Trouble Duration Intervals												
MR-4-01-5000	Mean Time To Repair – Total	1.52	1.6	NA	1.53	NA	0.47	NA	NA	5.48	NA	1,2,3
MR-4-04-5000	% Cleared (all troubles) within 24 Hours	100	100	NA	100	NA	100	NA	NA	100	NA	1,2,3
MR-4-05-5000	% Out of Service > 2 Hours	0	0	NA	0	NA	0	NA	NA	100	NA	1,2,3
MR-4-06-5000	% Out of Service > 4 Hours	0	0	NA	0	NA	0	NA	NA	100	NA	1,2,3
MR-4-07-5000	% Out of Service > 12 Hours	0	0	NA	0	NA	0	NA	NA	0	NA	1,2,3
MR-4-08-5000	% Out of Service > 24 Hours	0	0	NA	0	NA	0	NA	NA	0	NA	1,2,3
MR-5 - Repeat Trouble Report Rates												
MR-5-01-5000	% Repeat Reports within 30 Days	50	0	NA	0	NA	0	NA	NA	0	NA	1,2,3

NEW HAMPSHIRE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
NETWORK PERFORMANCE												
NP-1 - Percent Final Trunk Group Blockage												
NP-1-02-5000	% FTG Exceeding Blocking Std. –(No Exceptions)	0	0	0	0	2.04	3.13	0	3.33	0	0	
NP-1-03-5000	Number FTG Exceeding Blocking Std. – 2 Months		0		0		0		0		0	
NP-1-04-5000	Number FTG Exceeding Blocking Std. – 3 Months		0		0		0		0		0	
NP-2 - Collocation Performance - New												
NP-2-01-6701	% On Time Response to Request for Physical Collocation		100		NA		NA		NA		100	1
NP-2-02-6701	% On Time Response to Request for Virtual Collocation		NA		NA		NA		NA		NA	
NP-2-03-6701	Average Interval – Physical Collocation		70		NA		76		NA		76	
NP-2-04-6701	Average Interval – Virtual Collocation		NA		NA		NA		NA		NA	
NP-2-05-6701	% On Time – Physical Collocation		100		NA		100		NA		100	1,3,5
NP-2-06-6701	% On Time – Virtual Collocation		NA		NA		NA		NA		NA	
NP-2-07-6701	Average Delay Days – Physical Collocation		NA		NA		NA		NA		NA	
NP-2-08-6701	Average Delay Days – Virtual Collocation		NA		NA		NA		NA		NA	
NP-2 - Collocation Performance - Augment												
NP-2-01-6702	% On Time Response to Request for Physical Collocation		100		NA		100		100		100	1,3,4,5
NP-2-02-6702	% On Time Response to Request for Virtual Collocation		NA		NA		NA		NA		NA	
NP-2-03-6702	Average Interval – Physical Collocation - 76 Days		64		58		58.33		NA		NA	
NP-2-03-6712	Average Interval – Physical Collocation - 45 Days		NA		NA		NA		NA		NA	
NP-2-04-6702	Average Interval – Virtual Collocation		NA		NA		NA		NA		NA	

NEW HAMPSHIRE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
NP-2-05-6702	% On Time – Physical Collocation - 76 Days		100		100		100		NA		NA	1,2,3
NP-2-05-6712	% On Time – Physical Collocation - 45 Days		NA		NA		NA		NA		NA	
NP-2-06-6702	% On Time – Virtual Collocation		NA		NA		NA		NA		NA	
NP-2-07-6702	Average Delay Days – Physical Collocation		NA		NA		NA		NA		NA	
NP-2-08-6702	Average Delay Days – Virtual Collocation		NA		NA		NA		NA		NA	

Abbreviations: NA = No Activity.
UD = Under Development.
NEF = No Existing Functionality
blank cell = No data provided.

VZ = Verizon retail analog. If no data was provided, the metric may have a benchmark.

Notes: 1 = Sample Size under 10 for February.
2 = Sample Size under 10 for March.
3 = Sample Size under 10 for April.
4 = Sample Size under 10 for May.
5 = Sample Size under 10 for June.

Appendix C

Massachusetts Performance Metrics

All data included here are taken from the Massachusetts Carrier-to-Carrier Reports. This table is provided as a reference tool for the convenience of the reader. No conclusions are to be drawn from the raw data contained in this table. Our analysis is based on the totality of the circumstances, such that we may use non-metric evidence, and may rely more heavily on some metrics more than others, in making our determination. The inclusion of these particular metrics in this table does not necessarily mean that we relied on all of these metrics nor that other metrics may not also be important in our analysis. Some metrics that we have relied on in the past and may rely on for a future application were not included here because there was no data provided for them (usually either because there was no activity, or because the metrics are still under development). Metrics with no retail analog provided are usually compared with a benchmark. Note that for some metrics during the period provided, there may be changes in the metric definition, or changes in the retail analog applied, making it difficult to compare the data over time.

PERFORMANCE METRICS CATAGORIES

Metric Number	Metric Name
Preorder and OSS Availability:	
OR-1-02	% On Time LSRC - Flow Through
OR-1-04	% On Time LSRC (Electronic - No Flow Through)
OR-1-06	% On Time LSRC (Electronic - No Flow Through)
OR-1-08	% On Time LSRC (Fax)
OR-1-10	% On Time LSRC Lines (Fax)
OR-1-12	% On Time FOC <= 192 Forecasted Trunks
OR-1-13	% On Time Design Layout Record (DLR)
OR-1-19	% On Time Resp. - Request for Inbound Augment Trunks
PO-1-01	Average Response Time – Customer Service Record
PO-1-02	Average Response Time - Due Date Availability
PO-1-03	Average Response Time - Address Validation
PO-1-04	Average Response Time - Product and Service Availability
PO-1-05	Average Response Time - Telephone Number Availability and Reservation
PO-1-06	Average Response Time - Facility Availability - (ADSL Loop Qualification)
PO-1-07	Average Response Time - Rejected Query
PO-1-08	% Timeouts
PO-1-09	Parsed CSR
PO-2-02	OSS Interface Availability – Prime Time - EDI - Pre-Ordering
PO-2-03	OSS Interface Availability – Non-Prime Time - Electronic Bonding - Maintenance
PO-4-01	% Change Management Notices sent on Time
PO-5-01	Average Notice of Interface Outage
PO-6-01	Software Validation
PO-7-01	% Software Problem Res. Timeliness
PO-7-02	Delay Hrs. - S/W Res. - Change - Xactions Failed, No Workaround

Metric Number	Metric Name
Ordering:	
OR-2-02	% On Time LSR Reject - Flow Through
OR-2-04	% On Time LSR Reject (Electronic - No Flow Through)
OR-2-06	% On Time LSR Reject (Electronic - No Flow Through)
OR-2-08	% On Time LSR Reject (Fax)
OR-2-10	% On Time LSR Reject (Fax)
OR-2-12	% On Time Trunk ASR Reject <= 192 Forecasted Trunks
OR-3-01	% Rejects
OR-3-02	% Resubmission Not Rejected
OR-4-11	% Completed orders with neither a PCN nor BCN sent
OR-4-16	% Provisioning Completion Notifiers sent within one (1) Business Day
OR-4-17	% Billing Completion Notifier sent within two (2) Business Days
OR-5-01	% Flow Through - Total
OR-5-03	% Flow Through Achieved
OR-6-01	% Accuracy - Orders
OR-6-03	% Accuracy – Local Service Confirmation
OR-7-01	% Order Confirmations/Rejects Sent Within 3 Business Days
Provisioning:	
PR-1-09	Average Interval Offered – Total
PR-3-03	% Completed in 3 Days (1-5 Lines - No Dispatch)
PR-3-08	% Completed in 5 Days (1-5 Lines – No Dispatch)
PR-4-01	% Missed Appt. – VZ – Total
PR-4-02	Average Delay Days – Total
PR-4-03	% Missed Appt. – Customer
PR-4-04	% Missed Appt. – VZ – Dispatch

PERFORMANCE METRICS CATAGORIES

Metric Number	Metric Name
PO-7-03	Delay Hrs. - S/W Res. - Change - Xactions Failed, With Workaround
PO-7-04	Delay Hrs. - Failed/Rejected Test Deck - Xactions Failed, No W/A
PO-8-01	% On Time - Manual Loop Qualification
PO-8-02	% On Time - Engineering Record Request
MR-1-01	Average Response Time - Create Trouble - Electronic Bonding
MR-1-02	Average Response Time - Status Trouble - Electronic Bonding
MR-1-03	Average Response Time - Modify Trouble - Electronic Bonding
MR-1-04	Average Response Time - Request Cancellation of Trouble - Electronic Bonding
MR-1-05	Average Response Time - Trouble Report History (by TN/Circuit) - Electronic Bonding
MR-1-06	Average Response Time - Test Trouble (POTS Only) - Electronic Bonding
Change Management, Billing, OS/DA, Interconnection and Collocation:	
BI-1-02	% DUF in 4 Business Days
BI-2-01	Timeliness of Carrier Bill - Paper Bills
BI-3-04	% CLEC Billing Claims Acknowledged within 2 Business Days
BI-3-05	% CLEC Billing Claims Resolved within 28 Calendar Days After Acknowledgment
NP-2-01	% On Time Response to Request for Physical Collocation
NP-2-02	% On Time Response to Request for Virtual Collocation
NP-2-03	Average Interval – Physical Collocation
NP-2-04	Average Interval – Virtual Collocation
NP-2-05	% On Time – Physical Collocation

Metric Number	Metric Name
PR-4-05	% Missed Appt. – VZ – No Dispatch
PR-4-07	% On Time Performance - LNP
PR-4-08	% Missed Appt. – Customer – Due to Late Order Confirmation
PR-4-14	% Completed on Time
PR-5-03	% Orders Held for Facilities > 60 Days
PR-6-01	% Installation Troubles reported within 30 Days
PR-6-03	% Inst. Troubles reported w/ in 30 Days - FOK/TOK/CPE
PR-8-01	% Open Orders in a Hold Status > 30 Days
PR-8-02	% Open Orders in a Hold Status > 90 Days
PR-9-01	% On Time Performance - Hot Cuts - Loop
PR-3-01	% Completed in 1 Day (1-5 Lines - No Dispatch)
PR-3-06	% Completed in 3 Days (1-5 Lines - Dispatch)
PR-3-09	% Completed in 5 Days (1-5 Lines – Dispatch)
PR-5-01	% Missed Appointment – Verizon – Facilities
PR-5-02	% Orders Held for Facilities > 15 Days
Maintenance and Repair:	
MR-2-01	Network Trouble Report Rate
MR-2-02	Network Trouble Report Rate – Loop
MR-2-03	Network Trouble Report Rate – Central Office
MR-2-04	% Subsequent Reports

PERFORMANCE METRICS CATAGORIES

Metric Number	Metric Name
NP-2-06	% On Time – Virtual Collocation
NP-2-07	Average Delay Days – Physical Collocation
NP-2-08	Average Delay Days – Virtual Collocation
NP-1-02	% FTG Exceeding Blocking Standard (No Exceptions) - Final Trunks
NP-1-03	Number Dedicated FTG Exceeding Blocking Standard – 2 Months
NP-1-04	Number Dedicated FTG Exceeding Blocking Standard – 3 Months

Metric Number	Metric Name
MR-2-05	% CPE/TOK/FOK Trouble Report Rate
MR-3-01	% Missed Repair Appointment – Loop
MR-3-02	% Missed Repair Appointment – Central Office
MR-3-03	% Missed Repair Appointment — CPE /TOK/FOK
MR-4-01	Mean Time To Repair – Total
MR-4-02	Mean Time to Repair - Loop Trouble
MR-4-03	Mean Time To Repair – Central Office Trouble
MR-4-04	% Cleared (all troubles) within 24 Hours
MR-4-05	% Out of Service > 2 Hours
MR-4-06	% Out of Service > 4 hours
MR-4-07	% Out of Service > 12 hours
MR-4-08	% Out of Service > 24 Hours
MR-5-01	% Repeat Reports within 30 Days

MASSACHUTTES PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
OSS & BILLING (Pre-Ordering) - POTS/Special Services												
PRE-ORDERING												
PO-1 - Response Time OSS Pre-Ordering Interface												
PO-1-01-6020	Customer Service Record - EDI	1.3	2.81	1.32	3.08	1.34	3.47	1.29	3.08	0.76	2.77	
PO-1-01-6030	Customer Service Record - CORBA	1.3	0.8	1.32	1.32	1.34	0.96	1.29	0.78	0.76	0.98	
PO-1-01-6050	Customer Service Record -Web GUI	1.3	2.45	1.32	2.53	1.34	2.4	1.29	3.2	0.76	2.56	
PO-1-02-6020	Due Date Availability - EDI	0.06	2.31	0.07	2.27	0.07	2.58	0.1	2.68	0.06	2.48	
PO-1-02-6030	Due Date Availability - CORBA	0.06	0.57	0.07	0.59	0.07	0.6	0.1	0.74	0.06	0.58	1
PO-1-02-6050	Due Date Availability - Web GUI	0.06	2.15	0.07	2.17	0.07	2.14	0.1	2.62	0.06	2.23	
PO-1-03-6020	Address Validation - EDI	3.96	4.95	3.98	5.21	4.67	5.08	4.92	5.22	4.4	5.97	
PO-1-03-6030	Address Validation - CORBA	3.96	2.57	3.98	2.74	4.67	2.76	4.92	2.76	4.4	2.65	
PO-1-03-6050	Address Validation - Web GUI	3.96	5.18	3.98	5.16	4.67	5.4	4.92	5.75	4.4	5.33	
PO-1-04-6020	Product & Service Availability - EDI	8.44	NA	8.53	NA	9.26	6.27	10.69	NA	8.8	NA	3
PO-1-04-6030	Product & Service Availability - CORBA	8.44	NA	8.53	NA	9.26	NA	10.69	NA	8.8	NA	
PO-1-04-6050	Product & Service Availability - Web GUI	8.44	5.38	8.53	6.28	9.26	5.89	10.69	6.39	8.8	6.81	
PO-1-05-6020	Telephone Number Availability & Reservation - EDI	4.78	6.5	4.77	7.68	5.6	8.06	6.06	7.22	5.37	4.9	
PO-1-05-6030	Telephone Number Availability & Reservation - CORBA	4.78	3.95	4.77	4.46	5.6	4.95	6.06	4.19	5.37	4.38	
PO-1-05-6050	Telephone Number Availability & Reservation - Web GUI	4.78	5.82	4.77	5.99	5.6	7.04	6.06	7	5.37	6.15	
PO-1-06-6020	Average Response Time - Mechanized Loop Qualification - DSL - EDI	4.35	3.72	8.18	3.94	8.02	4.07	7.67	4.87	13.74	4.63	
PO-1-06-6030	Average Response Time - Mechanized Loop Qualification - DSL - CORBA	4.35	1.9	8.18	NA	8.02	NA	7.67	NA	13.74	NA	
PO-1-06-6050	Average Response Time - Mechanized Loop Qualification - DSL - Web GUI	4.35	4	8.18	4.07	8.02	4.18	7.67	4.65	13.74	3.91	
PO-1-07-6020	Rejected Query - EDI	0.04	2.26	0.04	2.3	0.03	2.44	0.03	2.48	0.04	2.4	
PO-1-07-6030	Rejected Query - CORBA	0.04	0.58	0.04	0.57	0.03	0.59	0.03	0.59	0.04	0.58	
PO-1-07-6050	Rejected Query - Web GUI	0.04	2.87	0.04	2.75	0.03	3	0.03	3.54	0.04	2.81	
PO-1-08-6020	% Timeouts - EDI		0.02		0.01		0.77		0.01		0.05	
PO-1-08-6030	% Timeouts - CORBA		0		0		0		0		0	
PO-1-08-6050	% Timeouts - Web GUI		0.04		0.08		0.02		1.81		0.04	

MASSACHUTTES PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PO-1-09-6020	Parsed CSR - EDI	1.3	1.81	1.32	1.87	1.34	1.89	1.29	1.89	0.76	1.89	
PO-1-09-6030	Parsed CSR - CORBA	1.3	0.35	1.32	0.35	1.34	0.37	1.29	0.34	0.76	0.37	
PO-2 - OSS Interface Availability*												
PO-2-02-6020	OSS Interf. Avail. – Prime Time – EDI		100		100		100		100		100	
PO-2-02-6030	OSS Interf. Avail. – Prime Time – CORBA		100		100		100		100		100	
PO-2-02-6040	OSS Interf. Avail. – Prime Time – Maint. Web GUI (RETAS)											
PO-2-02-6050	OSS Interf. Avail. – Prime Time – Pre-order/Order WEB GUI											
PO-2-02-6060	OSS Interf. Avail. – Prime Time – Electronic Bonding		100		100		100		100		100	
PO-2-02-6080	OSS Interf. Avail. – Prime Time – Maint./Web GUI/Pre-Order/Ordering WEB GUI		99.84		99.69		99.87		100		99.75	1,2,3,5
PO-2-03-6020	OSS Interf. Avail. – Non-Prime – EDI		99.73		99.2		99.54		99.51		99.26	1,2,3,4,5
PO-2-03-6030	OSS Interf. Avail. – Non-Prime – CORBA		99.83		99.78		99.92		99.84		99.8	1,2,3,4,5
PO-2-03-6040	OSS Interf. Avail. – Non-Prime – Maint. Web GUI (RETAS)		99.08		99.78		97.85					1,2,3
PO-2-03-6050	OSS Interf. Avail. – Non-Prime – Pre-order/Order WEB GUI		99.08		99.78		97.85					1,2,3
PO-2-03-6060	OSS Interf. Avail – Non-Prime – Electronic Bonding		100		100		100		100		100	
PO-2-03-6080	OSS Interf. Avail. – Non-Prime – Maint Web GUI/PreOrder/Ordering WEB GUI								98.98		99.89	4,5
PO-5 - Average Notification of Interface Outage												
PO-5-01-2000	Average Notice of Interface Outage*		15		15		NA		NA		20	1,2,5
PO-6 - Software Validation												
PO-6-01-2000	Software Validation		0		R3		R3		R3		0	
PO-7 - Software Problem Resolution Timeliness												
PO-7-01-2000	% Software Problem Res. Timeliness**		NA		NA		NA		R3		NA	
PO-7-02-2000	Delay Hrs. - S/W Res. - Change - Xactions Failed, No Workaround**		NA		NA		NA		NA		NA	
PO-7-03-2000	Delay Hrs. - S/W Res. - Change - Xactions Failed, With Workaround**		NA		NA		NA		NA		NA	

MASSACHUTTES PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PO-7-04-2000	Delay Hrs. - Failed/Rejected Test Deck - Xactions Failed, No W/A***		NA		NA		NA		NA		NA	
PO-8 - Manual Loop Qualification												
PO-8-01-2000	% On Time - Manual Loop Qualification		100		100		90		100		NA	1,2,4
PO-8-02-2000	% On Time - Engineering Record Request		NA		NA		NA		NA		NA	
Change Notification*												
PO-4 - Timeliness of Change Management Notice												
PO-4-01-6660	% Notices Sent on Time - Industry Standard, Verizon Orig. & CLEC Orig.		100		NA		100		NA		100	1,5
PO-4-01-6671	% Notices Sent on Time - Emergency Maint. & Regulatory		100		100		100		100		100	1,2,5
Change Confirmation*												
PO-4 - Timeliness of Change Management Notice												
PO-4-01-6622	% Notices Sent on Time - Regulatory		NA		NA		NA		100		NA	
PO-4-01-6662	% Notices Sent on Time - Ind. Std., Verizon Orig. & CLEC Orig.		NA		NA		NA		100		100	5
TROUBLE REPORTING (OSS)												
MR-1 - Response Time OSS Maintenance Interface												
MR-1-01-2000	Create Trouble	7.75	3.54	8.11	3.47	8.74	3.55	8.61	3.61	8.39	3.49	
MR-1-02-2000	Status Trouble	4.65	3.42	4.63	5.14	4.35	4.6	4.19	3.18	3.98	4.18	
MR-1-03-2000	Modify Trouble	7.51	NA	7.82	NA	8.34	0.38	8.35	NA	8.14	NA	3
MR-1-04-2000	Request Cancellation of Trouble	9.01	6.15	9.34	4.28	9.86	4.98	9.86	4.67	9.51	5.09	2
MR-1-05-2000	Trouble Report History (by TN/Circuit)	0.32	0.98	0.29	0.92	0.32	0.81	0.27	0.79	0.3	0.85	
MR-1-06-2000	Test Trouble (POTS Only)	55.33	45.61	54.01	45.72	54.96	42.34	53.12	45.16	53.94	48.84	
BILLING												
BI-1 - Timeliness of Daily Usage Feed												
BI-1-02-2030	% DUF in 4 Business Days		99.77		99.41		99.65		99.72		99.55	
BI-2 - Timeliness of Carrier Bill												
BI-2-01-2030	Timeliness of Carrier Bill		99.49		98.29		94.97		99.7		99.41	
BI-3 - Billing Accuracy & Claims Processing												
BI-3-04-2030	% CLEC Billing Claims Acknowledged within 2 Business Days		62.77		98.61		100		100		100	
BI-3-05-2030	% CLEC Billing Claims Resolved within 28 Calendar Days After Acknowledgment		63.06		91.23		62.26		94.34		55.46	

MASSACHUTTES PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
Resale (Ordering) - POTS/Special Services												
RESALE Ordering												
POTS & Pre-qualified Complex - Electronically Submitted												
OR-1 - Order Confirmation Timeliness												
OR-1-02-2320	% On Time LSRC – Flow Through		99.92		99.72		99.89		99.8		99.47	
OR-1-04-2100	% On Time LSRC No Facility Check		99.32		99.53		99.68		99.85		99.72	
OR-1-06-2320	% On Time LSRC/ASRC Facility Check		99.68		100		99.21		99.39		99.01	
OR-2 - Reject Timeliness												
OR-2-02-2320	% On Time LSR Reject – Flow Through		100		99.86		100		100		99.9	
OR-2-04-2320	% On Time LSR Reject No Facility Check		98.53		99.54		99.93		99.84		100	
OR-2-06-2320	% On Time LSR/ASR Reject Facility Check		100		100		100		100		100	
2 Wire Digital Services												
OR-1 - Order Confirmation Timeliness - Requiring Loop Qualification												
OR-1-04-2341	% On Time LSRC No Facility Check		98.15		100		98.59		100		100	
OR-1-06-2341	% On Time LSRC/ASRC Facility Check		100		100		100		100		100	
OR-2 - Reject Timeliness - Requiring Loop Qualification												
OR-2-04-2341	% On Time LSR Reject No Facility Check		100		100		100		100		100	
OR-2-06-2341	% On Time LSR/ASR Reject Facility Check		100		100		100		100		100	1,3,5
POTS / Special Services - Aggregate												
OR-3 - Percent Rejects												
OR-3-01-2000	% Rejects		29.72		31.19		30.09		29.44		30.24	
OR-3-02-2000	% Resubmission Not Rejected		NA		NA		95.38		NA		NA	
OR-4 - Timeliness of Completion Notification												
OR-4-11-2000	% Completed orders with neither a PCN nor BCN sent		UD		0.24		0.17		0.27		0.1	
OR-4-16-2000	% Provisioning Completion Notifiers sent within one (1) Business Day		UD		74.1		87.64		96.91		97.2	
OR-4-17-2000	% Billing Completion Notifier sent within two (2) Business Days		UD		95.25		95.58		93.52		96.1	
OR-5 - Percent Flow-Through												
OR-5-01-2000	% Flow Through - Total		54		50.7		49.27		54.46		50.33	

MASSACHUTTES PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
OR-5-03-2000	% Flow Through Achieved		94.73		95.94		95.49		97.5		96.58	
OR-6 - Order Accuracy												
OR-6-01-2000	% Accuracy – Orders*		96.76		95.98		95.38		99.19		99.19	
OR-6-03-2000	% Accuracy – LSRC****		0.04		0.1		0.21		0.06		0.08	
OR-7 - Order Completeness												
OR-7-01-2000	% Order Confirmation/Rejects sent within 3 Business Days		99.5		99.63		99.64		99.67		99.38	
Special Services - Electronically Submitted												
OR-1 - Order Confirmation Timeliness												
OR-1-04-2210	% On Time LSRC No Facility Check DS0		NA		NA		NA		NA		NA	
OR-1-04-2211	% On Time LSRC No Facility Check DS1		NA		NA		NA		NA		NA	
OR-1-04-2213	% On Time LSRC No Facility Check DS3		NA		NA		NA		NA		NA	
OR-1-04-2214	% On Time LSRC No Facility Check (Non DS0, DS1, & DS3)		100		99.12		99.6		98.52		100	
OR-1-06-2210	% On Time LSRC/ASRC Facility Check DS0		NA		NA		NA		NA		NA	
OR-1-06-2211	% On Time LSRC/ASRC Facility Check DS1		NA		NA		NA		NA		NA	
OR-1-06-2213	% On Time LSRC/ASRC Facility Check DS3		NA		NA		NA		NA		NA	
OR-1-06-2214	% On Time LSRC/ASRC Facility Check (Non DS0, DS1, & DS3)		100		100		100		100		100	
OR-2 - Reject Timeliness												
OR-2-04-2200	% On Time LSR Reject No Facility Check		100		100		99.62		100		100	
OR-2-06-2200	% On Time LSR/ASR Reject Facility Check		100		100		100		100		100	
Resale (Provisioning) - POTS/Special Services												
POTS - Provisioning - Total												
PR-4 - Missed Appointments												
PR-4-02-2100	Average Delay Days – Total	2.65	1.82	2.6	2.68	2.61	1.77	2.91	2.17	3.22	2.79	
PR-4-03-2100	% Missed Appointment – Customer		2.25		2.53		3.25		2.32		3.34	
PR-4-04-2100	% Missed Appointment – Verizon – Dispatch	4.93	3.89	5.36	3.83	5.51	4.79	5.41	3.86	5.53	5.29	

MASSACHUTTES PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PR-4-05-2100	% Missed Appointment – Verizon – No Dispatch	0.01	0	0.01	0.05	0.02	0.03	0.02	0	0.02	0.1	
PR-5 - Facility Missed Orders												
PR-6 - Installation Quality												
PR-6-01-2100	% Installation Troubles reported within 30 Days	2.89	2.06	2.75	2.17	3.14	2.42	3.63	2.41	4.16	2.64	
PR-6-03-2100	% Inst. Troubles reported w/ in 30 Days - FOK/TOK/CPE		1.57		1.59		1.76		1.73		1.68	
PR-8 - Open Orders in a Hold Status												
PR-8-01-2100	Open Orders in a Hold Status > 30 Days	0	0	0	0	0	0	0	0	0	0	
PR-8-02-2100	Open Orders in a Hold Status > 90 Days	0	0	0	0	0	0	0	0	0	0	
POTS & Complex Aggregate												
2-Wire Digital Services												
PR-4 - Missed Appointments												
PR-4-02-2341	Average Delay Days – Total	3.45	1	3.3	NA	4.04	2.75	4.26	1	4.87	5.67	1,3,4,5
PR-4-03-2341	% Missed Appointment – Customer		2.13		0		5.97		2.56		5.17	
PR-4-04-2341	% Missed Appointment – Verizon – Dispatch	9.04	3.64	4.31	0	4.8	12	6.02	13.33	6.88	9.52	
PR-4-05-2341	% Missed Appointment – Verizon – No Dispatch	0	0	0	0	0	0	0	0	0	0	
PR-4-08-2341	% Missed Appt. – Customer – Late Order Conf.		1.06		0		0		0		0	
PR-5 - Facility Missed Orders												
PR-6 - Installation Quality												
PR-6-01-2341	% Install. Troubles Reported within 30 Days	1.11	1.21	1.54	2.13	1.43	2.22	0.75	3.51	1.57	0.58	
PR-6-03-2341	% Install. Troubles Reported w/in 30 Days - FOK/TOK/CPE		1.21		1.7		7.22		1.75		1.74	
PR-8 - Open Orders in a Hold Status												
PR-8-01-2341	Open Orders in a Hold Status > 30 Days	0	0	0	0	0	0	0	0	0	0	
PR-8-02-2341	Open Orders in a Hold Status > 90 Days	0	0	0	0	0	0	0	0	0	0	
Special Services - Provisioning												
PR-4 - Missed Appointments												
PR-4-01-2210	% Missed Appointment – Verizon – DS0	3.89	0	5.03	0	6.41	0	3.6	5.88	10.5	5	

MASSACHUTTES PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PR-4-01-2211	% Missed Appointment – Verizon – DS1	7.19	0	12.66	0	8.73	0	14.83	0	9.17	10	1,3
PR-4-01-2213	% Missed Appointment – Verizon – DS3	60	NA	41.67	NA	40	NA	28.57	NA	12.5	NA	
PR-4-01-2214	% Missed Appointment – Verizon – Special Other	0	0	0	0	4.88	0	6.25	0	11.11	25	1,2,3,4,5
PR-4-02-2200	Average Delay Days – Total	7.71	NA	14.22	NA	6.44	NA	5.5	1	10.13	8.33	4,5
PR-4-03-2200	% Missed Appointment – Customer		6.52		21.21		18.92		20.93		29.41	
PR-4-08-2200	% Missed Appt. – Customer – Due to Late Order Conf.		0		0		0		0		0	
PR-6- Installation Quality												
PR-6-01-2200	% Installation Troubles reported within 30 Days	2.76	1.99	2.8	3.21	5.29	5.86	9.5	1.52	8.34	4.39	
PR-6-03-2200	% Inst. Troubles reported w/ in 30 Days - FOK/TOK/CPE		1.66		0.53		1.17		0.85		1.35	
PR-8 - Open Orders in a Hold Status												
PR-8-01-2200	Open Orders in a Hold Status > 30 Days	0.26	0	0.37	0	0.4	0	0.83	0	0.65	0	
PR-8-02-2200	Open Orders in a Hold Status > 90 Days	0	0	0.18	0	0.13	0	0.17	0	0.22	0	
Resale (Maintenance) - POTS/Special Services												
POTS - Maintenance												
MR-2 - Trouble Report Rate												
MR-3 - Missed Repair Appointments												
MR-3-01-2110	% Missed Repair Appointment – Loop Bus.	12.78	10.18	15.07	11.71	13.14	13.79	16.59	11.54	14.37	13.34	
MR-3-01-2120	% Missed Repair Appointment – Loop Res.	8.51	4.69	10.93	6.84	9.94	4.04	10.72	6.39	9.85	8	
MR-3-02-2110	% Missed Repair Appointment – Central Office Bus.	12.28	6.14	13.35	14.53	10.28	11.7	9.36	10.84	12.7	5.83	
MR-3-02-2120	% Missed Repair Appointment – Central Office Res.	6.79	5.26	5.74	3.45	6.58	3.85	7.84	0	6.93	5	
MR-3-03-2100	% CPE/TOK/FOK - Missed Appointment		5.3		5.76		5.94		8.25		11.7	
MR-4 - Trouble Duration Intervals												
MR-4-01-2100	Mean Time To Repair – Total	18.04	11.32	19.04	13.31	19.6	12.65	21.07	13.06	20.94	13.1	
MR-4-02-2110	Mean Time To Repair – Loop Trouble - Bus.	12.05	10.41	12.56	12.48	12.48	11.76	12.29	12.15	10.96	9.67	

MASSACHUTTES PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
MR-4-02-2120	Mean Time To Repair – Loop Trouble - Res.	20.36	17.07	21.5	18.57	22.01	17.07	23.68	18.21	23.51	22.82	
MR-4-03-2110	Mean Time To Repair – Central Office Trouble - Bus.	8	5.99	8.36	7.8	7.62	7.09	7.44	6.2	7.8	6.73	
MR-4-03-2120	Mean Time To Repair – Central Office Trouble - Res.	9.61	6.04	9.13	8.83	10.32	8.06	10.79	6.67	11.33	14.65	
MR-4-04-2100	% Cleared (all troubles) within 24 Hours	77.03	90.61	74.6	86.43	73.89	88.86	69.12	86.23	67.45	85.96	
MR-4-06-2100	% Out of Service > 4 Hours	77.2	62.13	79.01	63.32	78.88	66.34	82.61	68.29	78.39	69.05	
MR-4-07-2100	% Out of Service > 12 Hours	57.2	36.65	57.8	38.26	58.23	40.61	62.79	41.33	60.04	41.55	
MR-4-08-2110	% Out of Service > 24 Hours - Bus.	11.53	6.1	12.24	9.6	11.35	7.99	12.57	10	10.16	5.57	
MR-4-08-2120	% Out of Service > 24 Hours - Res.	25.32	16.75	27.71	17.5	27.9	20.08	33.32	28.15	34.67	33.21	
MR-5 - Repeat Trouble Reports												
MR-5-01-2100	% Repeat Reports within 30 Days	18.64	16.48	17.92	15.24	17.35	14.47	17.63	15.59	18.21	14.68	
2-Wire Digital Services - Maintenance												
MR-2 - Trouble Report Rate												
MR-2-02-2341	Network Trouble Report Rate – Loop	0.2	0.69	0.22	0.43	0.24	0.43	0.25	0.48	0.3	0.44	
MR-2-03-2341	Network Trouble Report Rate – Central Office	0.12	0.15	0.11	0.31	0.11	0.23	0.14	0.16	0.12	0.08	
MR-2-04-2341	% Subsequent Reports		15.38		9.52		5.56		5.88		0	
MR-2-05-2341	% CPE/TOK/FOK Trouble Report Rate		2.47		1.09		1.82		1.43		1.39	
MR-3 - Missed Repair Appointments												
MR-3-01-2341	% Missed Repair Appointment – Loop	33.61	44.44	35.82	63.64	40.54	45.45	28.95	33.33	27.07	36.36	
MR-3-02-2341	% Missed Repair Appointment – Central Office	32.89	0	22.86	50	23.08	33.33	30.59	0	38.57	50	1,2,3,4,5
MR-3-03-2341	% CPE/TOK/FOK - Missed Appointment		28.13		14.29		25.53		22.22		28.57	
MR-4 - Trouble Duration Intervals												
MR-4-01-2341	Mean Time To Repair – Total	28.23	25.54	62.63	45.59	22.27	23.57	24.98	30.82	24.23	30.93	
MR-4-02-2341	Mean Time To Repair – Loop Trouble	30.55	28.51	29.88	31.9	25.7	31.95	26.36	15.61	25.05	25.45	
MR-4-03-2341	Mean Time To Repair – Central Office Trouble	24.5	12.18	125.33	64.41	14.46	8.2	22.51	76.44	22.09	61.04	1,2,3,4,5
MR-4-04-2341	% Cleared (all troubles) within 24 Hours	65.66	68.18	70.59	42.11	65.26	76.47	67.09	62.5	64.54	53.85	
MR-4-07-2341	% Out of Service > 12 Hours	45.12	66.67	40.54	63.64	51.47	58.33	43.96	100	62.37	100	1,4,5
MR-4-08-2341	% Out of Service > 24 Hours	28.05	50	18.92	63.64	35.29	16.67	29.67	0	45.16	75	1,4,5
MR-5 - Repeat Trouble Reports												

MASSACHUTTES PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
MR-5-01-2341	% Repeat Reports within 30 Days	16.16	13.64	14.22	10.53	15.96	5.88	20.25	6.25	15.94	15.38	
Special Services - Maintenance												
MR-2 - Trouble Report Rate												
MR-2-01-2200	Network Trouble Report Rate	0.21	0.12	0.23	0.24	0.34	0.42	0.34	0.39	0.45	0.42	
MR-2-05-2200	% CPE/TOK/FOK Trouble Report Rate		0.24		0.23		0.62		0.5		0.58	
MR-4 - Trouble Duration Intervals												
MR-4-01-2216	Mean Time To Repair – Total - Non DS0 & DS0	6.42	8.53	6.48	7.91	7.46	9.26	8.66	12.1	7.79	7.78	
MR-4-01-2217	Mean Time To Repair – Total - DS1 & DS3	6.38	7.38	7.98	8.23	12.79	9.46	9.2	7.33	7.28	5.84	1
MR-4-04-2216	% Cleared (all troubles) within 24 Hours - Non DS0 & DS0	97.23	89.47	98.14	100	96.92	94.81	94.52	91.43	95.51	95.89	
MR-4-04-2217	% Cleared (all troubles) within 24 Hours - DS1 & DS3	97.26	100	95.56	100	97.14	100	92.99	100	97.38	100	1
MR-4-06-2216	% Out of Service > 4 Hours - Non DS0 & DS0	53.65	75.76	57.59	81.82	60.81	81.36	68.37	91.53	63.95	75.41	
MR-4-06-2217	% Out of Service > 4 Hours - DS1 & DS3	59.53	66.67	67.71	84	67.49	88.24	69.66	83.33	69.78	80	1
MR-4-08-2216	% Out of Service > 24 Hours - Non DS0 & DS0	2.86	12.12	1.9	0	3.01	6.78	5.45	8.47	3.77	3.28	
MR-4-08-2217	% Out of Service > 24 Hours - DS1 & DS3	2.79	0	4.48	0	2.88	0	7.12	0	2.64	0	1
MR-5 - Repeat Trouble Reports												
MR-5-01-2200	% Repeat Reports within 30 Days	17.96	17.39	18.02	23.91	18.63	18.95	17.34	28.41	15.79	14.74	
UNE (Ordering) - POTS/Special Services												
UNE Ordering												
Platform												
OR-1 - Order Confirmation Timeliness												
OR-1-02-3143	% On Time LSRC – Flow Through		99.92		99.85		99.93		99.94		99.38	
OR-1-04-3143	% On Time LSRC No Facility Check		98.49		99.75		99.02		97.39		98.77	
OR-1-06-3143	% On Time LSRC/ASRC Facility Check		100		100		98.2		99.45		100	
OR-2 - Reject Timeliness												
OR-2-02-3143	% On Time LSR Reject – Flow Through		99.89		100		100		99.94		99.8	
OR-2-04-3143	% On Time LSR Reject No Facility Check		99.16		98.18		99.7		99.57		99.51	

MASSACHUTTES PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
OR-2-06-3143	% On Time LSR/ASR Reject Facility Check		100		100		100		100		100	
OR-6 - Order Accuracy												
OR-6-01-3143	% Accuracy - Orders*		UR		99.75		96.85		99.75		98.75	
OR-6-03-3143	% Accuracy – LSRC*		0		0		0.03		0.03		0	
OR-7 - Order Completeness												
OR-7-01-3143	% Order Confirmation/Rejects sent within 3 Business Days		99.86		99.73		99.72		99.86		99.88	
Loop/Pre-qualified Complex/LNP												
OR-1 - Order Confirmation Timeliness												
OR-1-02-3331	% On Time LSRC – Flow Through		99.91		99.87		99.85		99.97		99.88	
OR-1-04-3331	% On Time LSRC No Facility Check		99.13		99.09		99.25		99.5		99.28	
OR-1-06-3331	% On Time LSRC/ASRC Facility Check		98.83		99.21		99.67		99.54		99.85	
OR-2 - Reject Timeliness												
OR-2-02-3331	% On Time LSR Reject – Flow Through		100		100		100		100		99.96	
OR-2-04-3331	% On Time LSR Reject No Facility Check		99.88		99.03		99.35		99.68		99.58	
OR-2-06-3331	% On Time LSR/ASR Reject Facility Check		100		100		100		100		100	
OR-6 - Order Accuracy												
OR-6-01-3331	% Accuracy - Orders*		98.21		99.01		97.11		99.17		100	
OR-6-03-3331	% Accuracy – LSRC*		0.36		0.28		0.25		0.16		0.51	
OR-7 - Order Completeness												
OR-7-01-3331	% Order Confirmation/Rejects sent within 3 Business Days		99.8		99.84		99.88		99.89		99.79	
2 Wire Digital Services												
OR-1 - Order Confirmation Timeliness - Requiring Loop Qualification												
OR-1-04-3341	% On Time LSRC No Facility Check		100		98.94		99.29		100		100	
OR-1-06-3341	% On Time LSRC/ASRC Facility Check		NA		100		NA		NA		NA	2
OR-2 - Reject Timeliness - Requiring Loop Qualification												
OR-2-04-3341	% On Time LSR Reject No Facility Check		100		100		100		100		100	
OR-2-06-3341	% On Time LSR/ASR Reject Facility Check		NA		100		NA		NA		NA	2
2 Wire xDSL Loops												
OR-1 - Order Confirmation Timeliness - Requiring Loop Qualification												

MASSACHUTTES PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
OR-1-04-3342	% On Time LSRC No Facility Check		100		99.33		100		100		98.85	
OR-1-06-3342	% On Time LSRC/ASRC - Facility Check		NA		NA		NA		NA		NA	
OR-2 - Reject Timeliness - Requiring Loop Qualification												
OR-2-04-3342	% On Time LSR Reject No Facility Check		100		100		100		100		100	
OR-2-06-3342	% On Time LSR/ASR Reject Facility Check		NA		NA		NA		NA		NA	
2 Wire xDSL Line Sharing & Line Splitting												
OR-1 - Order Confirmation Timeliness - Requiring Loop Qualification												
OR-1-04-3340	% On Time LSRC No Facility Check		100		100		100		100		100	
OR-1-06-3340	% On Time LSRC/ASRC - Facility Check		NA		NA		NA		NA		NA	
OR-2 - Reject Timeliness - Requiring Loop Qualification												
OR-2-04-3340	% On Time LSR Reject No Facility Check		100		100		100		100		100	1
OR-2-06-3340	% On Time LSR/ASR Reject Facility Check		NA		NA		NA		NA		NA	
POTS / Special Services - Aggregate												
OR-3 - Percent Rejects												
OR-3-01-3000	% Rejects (ASRs + LSRs)		19.11		18.13		17.12		15.62		15.62	
OR-4 - Timeliness of Completion Notification												
OR-4-11-3000	% Completed orders with neither a PCN nor BCN sent		UD		0.24		0.17		0.27		0.1	
OR-4-16-3000	% Provisioning Completion Notifiers sent within one (1) Business Day		UD		74.1		87.64		96.91		97.2	
OR-4-17-3000	% Billing Completion Notifier sent within two (2) Business Days		UD		95.25		95.58		93.52		96.1	
OR-5 - Percent Flow-Through												
OR-5-01-3000	% Flow Through - Total		74.25		75.38		77.13		80.28		83.33	
OR-5-03-3000	% Flow Through Achieved		96.01		97.21		97.6		97.71		97.48	
Special Services - Electronically Submitted												
OR-1 - Order Confirmation Timeliness (ASRs + LSRs)												
OR-1-04-3210	% On Time LSRC No Facility Check DS0		NA		NA		NA		NA		NA	
OR-1-06-3210	% On Time LSRC/ASRC Facility Check DS0		NA		NA		NA		100		66.67	4,5
OR-1-06-3211	% On Time LSRC/ASRC Facility Check DS1		88.42		93.9		97.14		95.29		96.3	

MASSACHUTTES PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
OR-1-06-3213	% On Time LSRC/ASRC Facility Check DS3		93.75		96.72		100		100		100	4
OR-1-06-3214	% On Time LSRC/ASRC Facility Check (Non DS0, Non DS1, & Non DS3)		100		100		NA		NA		NA	1,2
OR-2 - Reject Timeliness (ASRs + LSRs)												
OR-2-04-3200	% On Time LSR Reject No Facility Check		100		100		NA		NA		100	1,2,5
OR-2-06-3200	% On Time LSR/ASR Reject Facility Check		92.77		98.97		98.57		93.55		100	
Special Services - FAX/MAIL Submitted												
OR-1 - Order Confirmation Timeliness												
OR-1-08-3210	% On Time ASRC No Facility Check DS0		NA		NA		NA		NA		NA	
OR-1-10-3210	% On Time ASRC Facility Check DS0								NA		NA	
OR-1-10-3211	% On Time ASRC Facility Check DS1		100		NA		NA		NA		NA	1
OR-1-10-3213	% On Time ASRC Facility Check DS3		100		NA		NA		NA		NA	1
OR-1-10-3214	% On Time ASRC Facility Check (Non DS0, Non DS1, & Non DS3)		NA		NA		NA		NA		NA	
OR-2 - Reject Timeliness												
OR-2-08-3200	% On Time ASR Reject No Facility Check		NA		NA		NA		NA		NA	
OR-2-10-3200	% On Time ASR Reject Facility Check		NA		NA		NA		NA		NA	
UNE (Provisioning) - POTS/Special Services												
POTS - Provisioning												
PR-3 - Completed within X Days												
PR-3-01-3140	% Completed in 1 Day (1-5 Lines - No Dispatch) - Platform	89.64	82.03	85.88	85.99	80.2	77.87	80.28	89.05	80.69	78.45	
PR-3-06-3113	% Completed in 3 Days (1-5 Lines - Dispatch) - Loop New	80.67	33.33	73.02	45	72.54	55	64.83	68	58.08	63.33	
PR-3-06-3140	% Completed in 3 Days (1-5 Lines - Dispatch) - Platform	80.67	68.25	73.02	72.22	72.54	64.15	64.83	77.78	58.08	81.4	
PR-3-08-3111	% Completed in 5 Days (1-5 Lines – No Dispatch) - Hot Cut Loop		99.55		99.2		99.31		100		99.64	
PR-3-09-3113	% Completed in 5 Days (1-5 Lines – Dispatch) - Loop New	97.69	83.33	97.5	95	97.09	95	93.64	92	88.19	96.67	

MASSACHUTTES PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PR-3-09-3140	% Completed in 5 Days (1-5 Lines – Dispatch) - Platform	97.69	96.83	97.5	100	97.09	98.11	93.64	100	88.19	95.35	
PR-4 - Missed Appointments												
PR-4-02-3100	Average Delay Days – Total	2.65	1.7	2.6	2.25	2.61	2.43	2.91	1.67	3.22	1.71	2,3,4,5
PR-4-03-3100	% Missed Appt. – Customer		4.31		2.95		4.21		2		2.21	
PR-4-04-3113	% Missed Appt. – Verizon – Dispatch - Loop New	4.93	0.4	5.36	0.87	5.51	0	5.41	1.23	5.53	0.35	
PR-4-04-3140	% Missed Appt. – Verizon – Dispatch - Platform	4.93	4.27	5.36	0.67	5.51	4.61	5.41	1.59	5.53	4.8	
PR-4-05-3140	% Missed Appt. – Verizon – No Dispatch - Platform	0.01	0	0.01	0	0.02	0	0.02	0	0.02	0	
PR-5 - Facility Missed Orders												
PR-6 - Installation Quality												
PR-6-01-3112	% Installation Troubles reported within 30 Days - Loop	2.89	1.84	2.75	2.28	3.14	2.42	3.63	2.63	4.16	2.2	
PR-6-01-3121	% Installation Troubles reported within 30 Days - Platform	2.89	1.35	2.75	1.34	3.14	1.59	3.63	0.86	4.16	0.57	
PR-6-03-3112	% Installation Troubles reported within 30 Days - FOK/TOK/CPE – Loop		2.09		1.81		2.54		2.06		2.44	
PR-6-03-3121	% Installation Troubles reported within 30 Days - FOK/TOK/CPE – Platform		0.91		1.31		1.46		0.73		0.59	
PR-8 - Open Orders in a Hold Status												
PR-8-01-3100	Open Orders in a Hold Status > 30 Days	0	0	0	0	0	0	0	0	0	0	
PR-8-02-3100	Open Orders in a Hold Status > 90 Days	0	0	0	0	0	0	0	0	0	0	
PR-9 - Hot Cuts Loops												
PR-9-01-3520	% On Time Performance – Hot Cut		99.67		99.51		98.88		99.46		100	
POTS & Complex Aggregate												
2-Wire Digital Services												
PR-4 - Missed Appointments												
PR-4-02-3341	Average Delay Days – Total	3.45	2	3.3	2	4.04	1.33	4.26	4	4.87	NA	1,2,3,4
PR-4-03-3341	% Missed Appointment – Customer		4.55		20.24		9.38		16.67		8.89	
PR-4-04-3341	% Missed Appointment – Verizon – Dispatch	9.04	0	4.31	0	4.8	1.67	6.02	0	6.88	0	

MASSACHUTTES PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PR-4-05-3341	% Missed Appointment – Verizon – No Dispatch	0	0	0	0	0	0	0	0	0	NA	1,2,3,4
PR-5 - Facility Missed Orders												
PR-6 - Installation Quality												
PR-6-01-3341	% Install. Troubles Reported within 30 Days	5.43	7.87	5.44	13.64	5.71	6.06	5.17	10.91	5.86	14.89	
PR-6-03-3341	% Install. Troubles Reported within 30 Days - FOK/TOK/CPE		15.73		19.32		21.21		12.73		8.51	
PR-8 - Open Orders in a Hold Status												
PR-8-01-3341	Open Orders in a Hold Status > 30 Days	0	0	0	0	0	0	0	0	0	0	
PR-8-02-3341	Open Orders in a Hold Status > 90 Days	0	0	0	0	0	0	0	0	0	0	
2-Wire xDSL Loops												
PR-4 - Missed Appointments												
PR-4-02-3342	Average Delay Days – Total	4.57	2.5	5.3	3.13	4.8	2.67	3.13	2.5	7.48	1	1,2,3,4,5
PR-4-03-3342	% Missed Appointment – Customer		8.29		9.43		12.6		7.53		8.62	
PR-4-04-3342	% Missed Appointment – Verizon – Dispatch		0.25		0.2		0.55		0.26		0.27	
PR-4-14-3342	% Completed On Time (with Serial Number)		97.15		98.41		97.51		99.14		98.29	
PR-5 - Facility Missed Orders												
PR-6 - Installation Quality												
PR-6-01-3342	% Install. Troubles Reported within 30 Days	5.43	6	5.44	3.86	5.71	7.79	5.17	5.34	5.86	3.6	
PR-6-03-3342	% Install. Troubles Reported within 30 Days - FOK/TOK/CPE		7.67		7.53		9.35		6.87		6.68	
PR-8 - Open Orders in a Hold Status												
PR-8-01-3342	Open Orders in a Hold Status > 30 Days	0	0	0	0	0	0	0.9	0	0.5	0	
PR-8-02-3342	Open Orders in a Hold Status > 90 Days	0	0	0	0	0	0	0	0	0	0	
2-Wire xDSL Line Sharing												
PR-3-03-3343	% Completed in 3 Days (1-5 Lines - No Dispatch)	99.91	100	99.93	99.29	99.86	100	99.89	100	99.95	100	
PR-4 - Missed Appointments												
PR-4-02-3343	Average Delay Days – Total	2.2	3	3.36	NA	1.45	1.5	1.85	NA	3.2	1	1,3,5
PR-4-03-3343	% Missed Appointment – Customer		2.86		2.66		3.35		1.44		2.81	

MASSACHUTTES PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PR-4-04-3343	% Missed Appointment – Verizon – Dispatch	1.49	4.76	1.36	0	2.2	0	2.38	0	3.55	4.76	
PR-4-05-3343	% Missed Appointment – Verizon – No Dispatch	0.1	0	0.06	0	0.13	0	0.08	0	0.06	0	
PR-5 - Facility Missed Orders												
PR-6 - Installation Quality												
PR-6-01-3343	% Install. Troubles Reported within 30 Days	0.51	0.57	0.54	0.53	0.74	0.56	0.66	0.96	1.43	1.12	
PR-6-03-3343	% Install. Troubles Reported within 30 Days - FOK/TOK/CPE		6.29		3.19		3.91		6.73		6.74	
PR-8 - Open Orders in a Hold Status												
PR-8-01-3343	Open Orders in a Hold Status > 30 Days	0	0	0	0	0	0	0	0	0	0	
PR-8-02-3343	Open Orders in a Hold Status > 90 Days	0	0	0	0	0	0	0	0	0	0	
2-Wire xDSL Line Splitting												
PR-3 - Completed within X Days												
PR-4 - Missed Appointments												
PR-4-04-3345	% Missed Appointment – Verizon – Dispatch	1.49	NA	1.36	NA	2.2	NA	2.38	NA	3.55	NA	
PR-4-05-3345	% Missed Appointment – Verizon – No Dispatch	0.1	NA	0.06	NA	0.13	NA	0.08	NA	0.06	NA	
PR-5 - Facility Missed Orders												
PR-5-01-3345	% Missed Appointment - Verizon Facilities	0.4	NA	1.24	NA	0.41	NA	0.73	NA	1.05	NA	
PR-6 - Installation Quality												
PR-6-01-3345	% Install. Troubles Reported within 30 Days	0.51	NA	0.54	NA	0.74	NA	0.66	NA	1.43	NA	
PR-6-03-3345	% Install. Troubles Reported within 30 Days - FOK/TOK/CPE		NA		NA		NA		NA		NA	
PR-8 - Open Orders in a Hold Status												
PR-8-01-3345	Open Orders in a Hold Status > 30 Days	0	NA	0	NA	0	NA	0	NA	0	NA	
Special Services - Provisioning												
PR-4 - Missed Appointments												
PR-4-01-3210	% Missed Appointment – Verizon – DS0	3.89	NA	5.03	NA	6.41	NA	3.6	NA	10.5	NA	
PR-4-01-3211	% Missed Appointment – Verizon – DS1	7.19	6.73	12.66	3.16	8.73	7.03	14.83	7.64	9.17	6.56	

MASSACHUTTES PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PR-4-01-3213	% Missed Appointment – Verizon – DS3	60	NA	41.67	NA	40	0	28.57	NA	12.5	NA	3
PR-4-01-3214	% Missed Appointment – Verizon – Special Other	0	0	0	NA	4.88	0	6.25	0	11.11	0	1,3,4,5
PR-4-01-3510	% Missed Appointment – Verizon – Total - EEL	7.19	0	12.66	8.33	8.73	0	14.83	8.11	9.17	12.5	
PR-4-01-3530	% Missed Appointment – Verizon – Total-IOF	60	0	41.67	8.7	40	5	28.57	6.25	12.5	5.26	
PR-4-02-3200	Average Delay Days – Total	7.71	27.71	14.22	8.8	6.44	3.89	5.5	2.67	10.13	2.25	1,2,5
PR-4-02-3510	Average Delay Days – Total - EEL	5.55	NA	15.74	5	6.64	NA	5.94	9.67	11.62	1	2,4,5
PR-4-02-3530	Average Delay Days – Total - IOF	23	NA	20.2	18	13.25	4	6.25	8	35	1	2,3,4,5
PR-4-03-3200	% Missed Appointment – Customer		41.18		33.82		25.43		29.38		37.32	
PR-4-03-3510	% Missed Appointment – Customer - EEL		51.72		45.83		60		29.73		43.75	
PR-4-03-3530	% Missed Appointment – Customer - IOF								56.25		84.21	
PR-4-08-3200	% Missed Appt. – Customer – Late Order Conf.		0		0		0		0		0	
PR-5 - Facility Missed Orders												
PR-6 - Installation Quality												
PR-6-01-3200	% Installation Troubles reported within 30 Days	2.76	8.78	2.8	3.95	5.29	7.45	9.5	6.54	8.34	6.33	
PR-6-03-3200	% Inst. Troubles reported w/ in 30 Days - FOK/TOK/CPE		0		0		0.53		0		0.63	
PR-8 - Open Orders in a Hold Status												
PR-8-01-3200	Open Orders in a Hold Status > 30 Days	0.26	0	0.37	0	0.4	0	0.83	0	0.65	0	
PR-8-02-3200	Open Orders in a Hold Status > 90 Days	0	0	0.18	0	0.13	0	0.17	0	0.22	0	
UNE (Maintenance) - POTS/Special Services												
Maintenance - POTS Loop												
MR-2 - Trouble Report Rate												
MR-2-02-3550	Network Trouble Report Rate – Loop	0.76	0.42	0.94	0.53	0.96	0.5	1.11	0.59	1.33	0.6	
MR-2-03-3550	Network Trouble Report Rate – Central Office	0.08	0.04	0.09	0.08	0.09	0.06	0.09	0.07	0.1	0.07	
MR-2-04-3550	% Subsequent Reports		46.71		43.55		44.56		45.14		45.44	
MR-2-05-3550	% CPE/TOK/FOK Trouble Report Rate		0.39		0.48		0.45		0.4		0.48	
MR-3 - Missed Repair Appointments												

MASSACHUTTES PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
MR-3-01-3550	% Missed Repair Appointment – Loop	9.22	2.42	11.62	5.37	10.46	4.89	11.63	4.46	10.53	4.25	
MR-3-02-3550	% Missed Repair Appointment – Central Office	8.34	12.5	7.77	4.76	7.62	11.67	8.22	10	8.57	13.95	
MR-3-03-3550	% CPE/TOK/FOK - Missed Appointment		4.83		3.93		3.3		5.93		4.66	
MR-4 - Trouble Duration Intervals												
MR-4-01-3550	Mean Time To Repair – Total	18.04	13.48	19.04	13.49	19.6	14.01	21.07	13.27	20.94	14.17	
MR-4-02-3550	Mean Time To Repair – Loop Trouble	18.97	13.84	20.04	14.17	20.52	14.52	21.99	13.49	21.73	14.09	
MR-4-03-3550	Mean Time To Repair – Central Office Trouble	9.17	9.39	8.93	8.99	9.63	9.69	9.97	9.45	10.4	9.14	
MR-5 - Repeat Trouble Reports												
MR-5-01-3550	% Repeat Reports within 30 Days	18.64	15.38	17.92	11.35	17.35	14.54	17.63	15.63	18.21	13.34	
Maintenance - POTS Platform												
MR-2 - Trouble Report Rate												
MR-2-02-3140	Network Trouble Report Rate – Platform	0.76	0.73	0.94	0.78	0.96	0.7	1.11	0.7	1.33	0.82	
MR-2-03-3140	Network Trouble Report Rate – Central Office	0.08	0.13	0.09	0.15	0.09	0.13	0.09	0.09	0.1	0.14	
MR-2-04-3140	% Subsequent Reports		6.98		4.82		6.43		6.07		5.08	
MR-2-05-3140	% CPE/TOK/FOK Trouble Report Rate		0.61		0.79		0.7		0.58		0.76	
MR-3 - Missed Repair Appointments												
MR-3-01-3144	% Missed Repair Appointment – Platform Bus.	12.78	12.21	15.07	13.71	13.14	10.37	16.59	9.55	14.37	14.76	
MR-3-01-3145	% Missed Repair Appointment – Platform Res.	8.51	7.58	10.93	11.54	9.94	5.36	10.72	9.26	9.85	6.41	
MR-3-02-3144	% Missed Repair Appointment – Central Office Bus.	12.28	2.63	13.35	13.16	10.28	5.88	9.36	0	12.7	11.43	
MR-3-02-3145	% Missed Repair Appointment – Central Office Res.	6.79	0	5.74	0	6.58	0	7.84	22.22	6.93	7.69	1,3
MR-4 - Trouble Duration Intervals												
MR-4-01-3140	Mean Time To Repair – Total	18.04	12.09	19.04	13.16	19.6	12.91	21.07	12.9	20.94	12.04	
MR-4-04-3140	% Cleared (all troubles) within 24 Hours	77.03	90.36	74.6	86.82	73.89	83.21	69.12	87.07	67.45	87.2	
MR-4-06-3140	% Out of Service > 4 Hours	77.2	64.65	79.01	66.67	78.88	70.72	82.61	64.88	78.39	66.02	
MR-4-07-3140	% Out of Service > 12 Hours	57.2	41.92	57.8	44.44	58.23	48.62	62.79	40.49	60.04	39.77	
MR-5 - Repeat Trouble Reports												
MR-5-01-3140	% Repeat Reports within 30 Days	18.64	18.57	17.92	15.2	17.35	14.5	17.63	14.45	18.21	18.75	

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Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
2-Wire Digital Services - Maintenance												
MR-2 - Trouble Report Rate												
MR-2-02-3341	Network Trouble Report Rate - Loop	0.75	0.85	0.93	1.11	0.95	0.71	1.1	0.95	1.32	0.8	
MR-2-03-3341	Network Trouble Report Rate - Central Office	0.08	0.13	0.09	0.28	0.09	0.24	0.09	0.11	0.1	0.16	
MR-2-04-3341	% Subsequent Reports		11.63		22.86		12.2		25.93		43.75	
MR-3 - Missed Repair Appointments												
MR-3-01-3341	% Missed Repair Appointment – Loop	9.32	12.12	11.71	2.33	10.59	11.11	11.7	5.56	10.59	10	
MR-3-02-3341	% Missed Repair Appointment – Central Office	8.95	0	8.07	9.09	7.92	0	8.77	0	9.13	0	1,4,5
MR-4 - Trouble Duration Intervals												
MR-4-01-3341	Mean Time To Repair - Total	18.11	15.54	19.27	11.48	19.62	15.83	21.09	13.28	20.96	12.16	
MR-4-02-3341	Mean Time To Repair - Loop Trouble	19.02	17.3	20.07	13.06	20.54	19.45	22	14.25	21.74	13.38	
MR-4-03-3341	Mean Time To Repair - Central Office Trouble	9.55	3.99	11.23	5.29	9.73	4.94	10.28	4.52	10.62	6.05	1,4,5
MR-4-07-3341	% Out of Service > 12 Hours	57.16	54.84	57.75	36.59	58.22	46.67	62.74	54.55	60.05	30.77	
MR-4-08-3341	% Out of Service > 24 Hours	22.87	25.81	24.92	7.32	25.1	20	30.04	3.03	30.89	11.54	
MR-5 - Repeat Trouble Reports												
MR-5-01-3341	% Repeat Reports within 30 Days	18.62	21.05	17.9	16.67	17.35	16.67	17.64	15	18.2	8.33	
2-Wire xDSL Loops - Maintenance												
MR-2 - Trouble Report Rate												
MR-2-02-3342	Network Trouble Report Rate - Loop	0.75	0.54	0.93	0.56	0.95	0.47	1.1	0.44	1.32	0.53	
MR-2-03-3342	Network Trouble Report Rate - Central Office	0.08	0.04	0.09	0.09	0.09	0.06	0.09	0.09	0.1	0.09	
MR-3 - Missed Repair Appointments												
MR-3-01-3342	% Missed Repair Appointment – Loop	9.32	5.43	11.71	7.61	10.59	5.68	11.7	9.09	10.59	6.82	
MR-3-02-3342	% Missed Repair Appointment – Central Office	8.95	0	8.07	0	7.92	0	8.77	0	9.13	15.38	
MR-4 - Trouble Duration Intervals												
MR-4-02-3342	Mean Time To Repair - Loop Trouble	19.02	12.6	20.07	13.59	20.54	12.93	22	14.5	21.74	12.6	
MR-4-03-3342	Mean Time To Repair - Central Office Trouble	9.55	4.81	11.23	3.07	9.73	2.71	10.28	5.42	10.62	5.68	
MR-4-07-3342	% Out of Service > 12 Hours	57.16	33.33	57.75	36.17	58.22	32.97	62.74	32.91	60.05	30.77	
MR-4-08-3342	% Out of Service > 24 Hours	22.87	14.94	24.92	15.96	25.1	14.29	30.04	16.46	30.89	8.97	

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Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
MR-5 - Repeat Trouble Reports												
MR-5-01-3342	% Repeat Reports within 30 Days	18.62	14.15	17.9	14.29	17.35	17.92	17.64	8.42	18.2	19.8	
2-Wire xDSL Line Sharing - Maintenance												
MR-2 - Trouble Report Rate												
MR-2-02-3343	Network Trouble Report Rate - Loop	0.15	0.07	0.19	0.04	0.23	0.14	0.28	0.1	0.32	0.23	
MR-2-03-3343	Network Trouble Report Rate - Central Office	0.04	0.11	0.04	0	0.03	0.03	0.03	0.07	0.04	0.1	
MR-3 - Missed Repair Appointments												
MR-3-01-3343	% Missed Repair Appointment – Loop	22.51	50	17.56	0	25.57	0	25.81	33.33	24.59	0	1,2,3,4
MR-3-02-3343	% Missed Repair Appointment – Central Office	8.25	25	6.19	0	13.4	0	11.25	0	12.39	0	1,2,3,4,5
MR-4 - Trouble Duration Intervals												
MR-4-02-3343	Mean Time To Repair - Loop Trouble	24.49	37.33	22.57	8.5	28.87	9.26	29.99	19.17	29.57	11.38	1,2,3,4
MR-4-03-3343	Mean Time To Repair - Central Office Trouble	11.38	6.63	9.77	5.87	14.51	3.69	19.3	3.88	14.74	4.12	1,2,3,4,5
MR-4-04-3343	% Cleared (all troubles) within 24 Hours	70.49	83.33	74.65	100	64.78	83.33	60.25	85.71	63.9	91.67	1,2,3,4
MR-4-07-3343	% Out of Service > 12 Hours	63.96	16.67	59.37	0	70.94	33.33	72.35	16.67	69.95	20	1,2,3,4
MR-4-08-3343	% Out of Service > 24 Hours	28.98	16.67	25.07	0	32.2	33.33	38.44	16.67	35.52	10	1,2,3,4
MR-5 - Repeat Trouble Reports												
MR-5-01-3343	% Repeat Reports within 30 Days	55.56	16.67	62.12	50	60.84	66.67	55.07	71.43	38.67	66.67	1,2,3,4
2-Wire xDSL Line Splitting - Maintenance												
MR-2 - Trouble Report Rate												
MR-2-02-3345	Network Trouble Report Rate - Loop	0.15	NA	0.19	NA	0.23	NA	0.28	NA	0.32	NA	
MR-2-03-3345	Network Trouble Report Rate - Central Office	0.04	NA	0.04	NA	0.03	NA	0.03	NA	0.04	NA	
MR-2-04-3345	% Subsequent Reports		NA		NA		NA		NA		NA	
MR-2-05-3345	% CPE/TOK/FOK Trouble Report Rate		NA		NA		NA		NA		NA	
MR-3 - Missed Repair Appointments												
MR-3-01-3345	% Missed Repair Appointment – Loop	22.51	NA	17.56	NA	25.57	NA	25.81	NA	24.59	NA	
MR-3-02-3345	% Missed Repair Appointment – Central Office	8.25	NA	6.19	NA	13.4	NA	11.25	NA	12.39	NA	
MR-3-03-3345	%CPE/TOK/FOK - Missed Appointment		NA		NA		NA		NA		NA	
MR-4 - Trouble Duration Intervals												
MR-4-02-3345	Mean Time To Repair - Loop Trouble	24.49	NA	22.57	NA	28.87	NA	29.99	NA	29.57	NA	

MASSACHUTTES PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
MR-4-03-3345	Mean Time To Repair - Central Office Trouble	11.38	NA	9.77	NA	14.51	NA	19.3	NA	14.74	NA	
MR-5 - Repeat Trouble Reports												
MR-5-01-3345	% Repeat Reports within 30 Days	55.56	NA	62.12	NA	60.84	NA	55.07	NA	38.67	NA	
Special Services - Maintenance												
MR-2 - Trouble Report Rate												
MR-2-01-3200	Network Trouble Report Rate	0.21	1.26	0.23	1.65	0.34	1.39	0.34	1.79	0.45	2.42	
MR-2-05-3200	% CPE/TOK/FOK Trouble Report Rate		1.85		1.84		2.03		2.45		2.21	
MR-4 - Trouble Duration Intervals												
MR-4-01-3216	Mean Time To Repair – Total - Non DS0 & DS0	6.42	NA	6.48	NA	7.46	NA	8.66	NA	7.79	NA	
MR-4-01-3217	Mean Time To Repair – Total - DS1 & DS3	6.38	6.43	7.98	6.66	12.79	7.7	9.2	7.84	7.28	6.72	
MR-5 - Repeat Trouble Reports												
MR-5-01-3200	% Repeat Reports within 30 Days	17.96	14.29	18.02	10.14	18.63	21.43	17.34	20.27	15.79	14.56	
Trunks (Aggregate) - POTS/Special Services												
ORDERING												
OR 1 - Order Confirmation Timeliness												
OR-1-12-5020	% On Time FOC (<= 192 Forecasted Trunks)		100		100		100		100		100	1
OR-1-12-5030	% On Time FOC (> 192 and Unforecasted Trunks)		88.89		89.09		59.15		53.17		67.01	
OR-1-13-5020	% On Time Design Layout Record (DLR)		100		100		90.32		95.83		100	
OR-1-19-5020	% On Time Resp. - Request for Inbound Augment Trunks (<= 192 Forecasted Trunks)		100		100		100		NA		100	1,2,3,5
OR-1-19-5030	% On Time Resp. - Request for Inbound Augment Trunks (> 192 Forecasted Trunks)		100		NA		100		NA		100	1,3,5
OR-2 - Reject Timeliness												
OR-2-12-5000	% On Time Trunk ASR Reject (<= 192 Forecasted Trunks)		100		100		100		100		100	1,2,3,4,5
PROVISIONING												

MASSACHUTTES PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PR-1 - Average Interval Offered												
PR-1-09-5020	Av. Interval Offered – Total (<= 192 Forecasted Trunks)	23.86	15.2	16.13	18.33	20	15.75	18	13.33	11.5	14.11	1,3,4
PR-1-09-5030	Av. Interval Offered – Total (> 192 & Unforecasted Trunks)	17.75	17.18	26.57	18.83	25.36	22	18.52	30.14	13.2	32.04	
PR-4 - Missed Appointment												
PR-4-01-5000	% Missed Appointment – Verizon – Total	0	0	0	0	0	0					
PR-4-02-5000	Average Delay Days - Total	NA	NA	NA	NA	NA	NA		NA		NA	
PR-4-03-5000	% Missed Appointment – Customer		19.32		22.93		21.43		7.79		30.47	
PR-4-07-3540	% On Time Performance – LNP Only		99.82		99.84		99.51		99.37		99.93	
PR-4-15-5000	% On Time Provisioning - Trunks								100		100	
PR-5 - Facility Missed Orders												
PR-5-01-5000	% Missed Appointment – Verizon – Facilities	0	0	0	0	0	0	0	0	0	0	
PR-5-02-5000	% Orders Held for Facilities > 15 Days	0	0	0	0	0	0	0	0	0	0	
PR-5-03-5000	% Orders Held for Facilities > 60 Days	0	0	0	0	0	0	0	0	0	0	
PR-6 - Installation Quality												
PR-6-01-5000	% Installation Troubles reported within 30 Days	0	0	0	0	0.07	0.01	0.05	0	0.05	0	
PR-6-03-5000	% Inst. Troubles reported within 30 Days - FOK/TOK/CPE		0		0		0		0		0	
PR-8 - Open Orders in a Hold Status												
MAINTENANCE												
MR-2 - Trouble Report Rate												
MR-2-01-5000	Network Trouble Report Rate	0.01	0	0	0	0.01	0.01	0	0	0.01	0.01	
MR-4 - Trouble Duration Intervals												
MR-4-01-5000	Mean Time To Repair – Total	1.34	1.17	1	0.93	0.96	1.06	1.36	1.05	1.84	1.07	
MR-4-04-5000	% Cleared (all troubles) within 24 Hours	100	100	100	100	100	100	100	100	100	100	
MR-4-05-5000	% Out of Service > 2 Hours	6.67	0	0	0	10	7.69	23.08	0	41.18	8.7	
MR-4-06-5000	% Out of Service > 4 Hours	6.67	0	0	0	0	0	0	0	11.76	0	
MR-4-07-5000	% Out of Service > 12 Hours	0	0	0	0	0	0	0	0	0	0	
MR-4-08-5000	% Out of Service > 24 Hours	0	0	0	0	0	0	0	0	0	0	
MR-5 - Repeat Trouble Report Rates												
MR-5-01-5000	% Repeat Reports within 30 Days	6.67	0	27.27	12.5	15	7.69	15.38	14.29	17.65	8.7	

MASSACHUTTES PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
NETWORK PERFORMANCE												
NP-1 - Percent Final Trunk Group Blockage												
NP-1-02-5000	% FTG Exceeding Blocking Std. –(No Exceptions)	0.65	1.41	1.96	3.07	0.67	2.8	0.34	0.56	0.74	3.08	
NP-1-03-5000	Number FTG Exceeding Blocking Std. – 2 Months		0		0		0		0		0	
NP-1-04-5000	Number FTG Exceeding Blocking Std. – 3 Months		0		0		0		0		0	
NP-2 - Collocation Performance - New												
NP-2-01-6701	% On Time Response to Request for Physical Collocation		100		NA		100		100		100	1,3,4,5
NP-2-02-6701	% On Time Response to Request for Virtual Collocation		NA		NA		NA		NA		NA	
NP-2-03-6701	Average Interval – Physical Collocation		76		67.5		67		75.25		74	
NP-2-04-6701	Average Interval – Virtual Collocation		103		128		NA		NA		NA	
NP-2-05-6701	% On Time – Physical Collocation		100		100		100		100		100	1,2,3,4,5
NP-2-06-6701	% On Time – Virtual Collocation		100		100		NA		NA		NA	1,2
NP-2-07-6701	Average Delay Days – Physical Collocation		NA		NA		NA		NA		NA	
NP-2-08-6701	Average Delay Days – Virtual Collocation		NA		NA		NA		NA		NA	
NP-2 - Collocation Performance - Augment												
NP-2-01-6702	% On Time Response to Request for Physical Collocation		100		100		100		100		100	3,4,5
NP-2-02-6702	% On Time Response to Request for Virtual Collocation		NA		100		100		NA		NA	2,3
NP-2-03-6702	Average Interval – Physical Collocation - 76 Days		64.7		47.18		57.52		46.8		61.57	
NP-2-03-6712	Average Interval – Physical Collocation - 45 Days		40		NA		NA		NA		NA	
NP-2-04-6702	Average Interval – Virtual Collocation		67		70		NA		NA		62	
NP-2-05-6702	% On Time – Physical Collocation - 76 Days		100		100		100		100		100	5
NP-2-05-6712	% On Time – Physical Collocation - 45 Days		100		NA		NA		NA		NA	1

MASSACHUTTES PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
NP-2-06-6702	% On Time – Virtual Collocation		100		100		NA		NA		100	1,2,5
NP-2-07-6702	Average Delay Days – Physical Collocation		NA		NA		NA		NA		NA	
NP-2-08-6702	Average Delay Days – Virtual Collocation		NA		NA		NA		NA		NA	
PO-4-02-6660	Change Mgmt. Notice - Delay 1-7 Days - Ind. Std., Verizon Orig, & CLEC Orig.		NA		NA		NA		NA		NA	
PO-4-02-6671	Change Mgmt. Notice - Delay 1-7 Days - Emergency Maint. & Regulatory		NA		NA		NA		NA		NA	
PO-4-03-6660	Change Mgmt. Notice - Delay 8+ Days - Ind. Std., Verizon Orig. & CLEC Orig.		NA		NA		NA		NA		NA	
PO-4-03-6671	Change Mgmt. Notice - Delay 8+ Days - Emergency Maint. & Regulatory		NA		NA		NA		NA		NA	
PO-4-02-6622	Change Mgmt. Notice - Delay 1-7 Days - Regulatory		NA		NA		NA		NA		NA	
PO-4-02-6662	Change Mgmt. Notice - Delay 1-7 Days - Ind. Std., Verizon Orig. & CLEC Orig.		NA		NA		NA		NA		NA	
PO-4-03-6622	Change Mgmt. Notice - Delay 8+ Days - Regulatory		NA		NA		NA		NA		NA	
PO-4-03-6662	Change Mgmt. Notice - Delay 8+ Days - Ind. Std., Verizon Orig. & CLEC Orig.		NA		NA		NA		NA		NA	
OPERATOR SERVICES & DATABASES****												
OD-1 - Operator Services - Speed of Answer												
OD-1-01-1021	Average Speed of Answer – Operator Services - NE OSC	2.72	0.28	3	0.3	2.99	0.29	2.9	0.28	2.88	0.27	
OD-1-02-1021	Average Speed of Answer – Directory Assistance - NE OSC	3.64	2.19	3.64	2.2	3.95	2.35	3.94	2.35	3.8	2.26	
RESALE Pre-Ordering												
PO-3 - Contact Center Availability												
PO-3-02-2000	% Answered within 30 Seconds – Ordering*		94.33		94.98		95.81		96.24		96.07	
PO-3-04-2000	% Answered within 30 Seconds – Repair**		92.98		93.64		92.99		90.67		91.43	
OR-8 - Acknowledgement Timeliness												
OR-8-01-2000	% Acknowledgements on Time		100		100		100		100		99.88	

MASSACHUTTES PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
OR-9 - Order Acknowledgement Completeness												
OR-9-01-2000	% Acknowledgement Completeness		100		100		100		100		100	
PR-1 - Average Interval Offered												
PR-1-04-2100	Average Interval Offered – Dispatch (6-9 Lines)	2.54	4.88	2.26	7.27	2.06	5.46	2.52	7.35	3.53	6.88	
PR-1-05-2100	Average Interval Offered – Dispatch (>= 10 Lines)	3.9	8.25	2.93	8.28	3.03	9.26	2.76	17.38	3.44	8.45	
PR-3 - Completed within Specified Days												
PR-3-01-2100	% Completed in 1 Day (1-5 Lines - No Dispatch)	89.64	76.93	85.88	76.57	80.2	72.29	80.28	75.15	80.69	69.08	
PR-3-06-2100	% Completed in 3 Days (1-5 Lines - Dispatch)	80.67	74.29	73.02	74.7	72.54	73.16	64.83	60.94	58.08	61.33	
PR-3-09-2100	% Completed in 5 Days (1-5 Lines – Dispatch)	97.69	98.89	97.5	99.08	97.09	99.62	93.64	96.45	88.19	90.63	
PR-5-01-2100	% Missed Appointment – Verizon – Facilities	2.84	3	3.35	3.09	3.04	3.14	2.91	2.68	3.07	3.17	
PR-5-02-2100	% Orders Held for Facilities > 15 Days	0.05	0	0.05	0	0.05	0	0.09	0	0.08	0	
POTS - Business												
PR-1 - Average Interval Offered												
PR-1-01-2110	Average Interval Offered – Total No Dispatch	0.56	1.33	0.62	1.34	0.65	1.96	0.61	1.96	0.65	1.89	
PR-1-03-2110	Average Interval Offered – Dispatch (1-5 Lines)	2.18	3.07	2.19	2.67	2.2	2.71	2.12	2.96	2.19	2.79	
POTS - Residence												
PR-1 - Average Interval Offered												
PR-1-01-2120	Average Interval Offered – Total No Dispatch	0.31	0.98	0.39	0.83	0.52	0.97	0.54	0.81	0.6	0.9	
PR-1-03-2120	Average Interval Offered – Dispatch (1-5 Lines)	2.59	3.14	2.83	3.2	2.88	3.32	3.29	3.94	3.62	5.03	
PR-1 - Average Interval Offered												
PR-1-12-2103	Average Interval Offered – Disconnects	3.69	3.03	3.72	3.05	3.5	3.02	3.55	3.16	6.05	3.67	
PR-1 - Average Interval Offered												
PR-1-01-2341	Average Interval Offered – Total No Dispatch	1.4	1.91	1.45	1.91	1.61	3.61	1.87	1.9	1.97	2.17	

MASSACHUTTES PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PR-1-02-2341	Average Interval Offered – Total Dispatch	2.97	8.5	3.18	10.89	3.68	7.67	3.43	15.33	3.92	12	4,5
PR-5-01-2341	% Missed Appointment – Verizon – Facilities	2.33	0	3.3	0	2.3	3.7	3.37	0	4.68	4.55	
PR-5-02-2341	% Orders Held for Facilities > 15 Days	0.29	0	0	0	0	0	0	0	0.29	0	
PR-1 - Average Interval Offered												
PR-1-06-2200	Average Interval Offered – DS0	9.95	8.76	10.31	8.75	11	9.36	11.1	9.26	10.02	8.65	
PR-1-07-2200	Average Interval Offered – DS1	16.3	19.38	17.83	21	19.91	16	19.87	13.2	21.79	10.75	1,3
PR-1-08-2200	Average Interval Offered – DS3	35.14	NA	32.39	NA	51.33	NA	22.29	NA	45.13	NA	
PR-1-12-2200	Average Interval Offered – Disconnects	11.59	7.64	10.15	8.26	10.62	6.22	12.16	7.16	12.77	8	
PR-5- Facility Missed Orders												
PR-5-01-2200	% Missed Appointment – Verizon – Facilities	0	0	0.42	0	0.79	0	0.21	2.78	1.76	8.7	
PR-5-02-2200	% Orders Held for Facilities > 15 Days	0	0	0	0	0	0	0	0	0	0	
MR-2-02-2100	Network Trouble Report Rate – Loop	0.76	0.32	0.94	0.4	0.96	0.37	1.11	0.35	1.33	0.39	
MR-2-03-2100	Network Trouble Report Rate – Central Office	0.08	0.05	0.09	0.06	0.09	0.05	0.09	0.05	0.1	0.05	
MR-2-04-2100	% Subsequent Reports		7.94		12.76		7.25		6.97		6.03	
MR-2-05-2100	% CPE/TOK/FOK Trouble Report Rate		0.27		0.33		0.32		0.3		0.29	
UNE Pre-ordering												
PO-3 - Contact Center Availability												
PO-3-02-3000	% Answered within 30 Seconds – Ordering*		91.26		93.85		94.46		95.87		91.46	
PO-3-04-3000	% Answered within 30 Seconds – Repair**		92.98		93.64		92.99		90.67		91.43	
OR-8 - Acknowledgement Timeliness												
OR-8-01-3000	% Acknowledgements on Time		100		100		99.98		99.99		99.68	
OR-9 - Order Acknowledgement Completeness												
OR-9-01-3000	% Acknowledgement Completeness		100		100		100		100		100	
OR-3-02-3000	% Resubmission Not Rejected		NA		NA		NA		NA		NA	
PR-1 - Average Interval Offered												
PR-1-01-3140	Av. Interval Offered - Total No Dispatch - Platform					0.53	1.03	0.55	0.84	0.6	1.07	

MASSACHUTTES PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PR-1-03-3112	Av. Interval Offered - Dispatch (1-5 Lines) - Loop	2.5	4.83	2.67	3.93	2.7	3.81	3.01	3.51	3.3	3.49	
PR-1-03-3140	Av. Interval Offered - Dispatch (1-5 Lines) - Platform	2.5	3.02	2.67	2.94	2.7	3.02	3.01	2.7	3.3	2.59	
PR-1-04-3112	Av. Interval Offered - Dispatch (6-9 Lines) - Loop	2.54	6.13	2.26	6.8	2.06	6	2.52	9	3.53	4.5	1,2,3,5
PR-1-04-3140	Av. Interval Offered - Dispatch (6-9 Lines) - Platform	2.54	5.33	2.26	NA	2.06	4.6	2.52	5.25	3.53	10	1,3,4,5
PR-1-05-3112	Av. Interval Offered - Dispatch (>= 10 Lines) - Loop	3.9	4.33	2.93	4	3.03	10	2.76	3.67	3.44	5.67	1,2,3,4,5
PR-1-05-3140	Av. Interval Offered - Dispatch (>= 10 Lines) - Platform	3.9	12.5	2.93	43	3.03	7.5	2.76	8	3.44	3	1,2,3,4,5
PR-5-01-3112	% Missed Appointment – Verizon – Facilities Loop	2.84	0.4	3.35	0.87	3.04	0	2.91	0.92	3.07	0.35	
PR-5-01-3140	% Missed Appointment – Verizon – Facilities - Platform	2.84	3.79	3.35	0.67	3.04	1.97	2.91	0	3.07	1.6	
PR-5-02-3112	% Orders Held for Facilities > 15 Days - Loop	0.05	0	0.05	0	0.05	0	0.09	0	0.08	0	
PR-5-02-3140	% Orders Held for Facilities > 15 Days - Platform	0.05	0	0.05	0	0.05	0	0.09	0	0.08	0	
PR-5-04-3112	% Orders Cancelled (> 5 days) after Due Date - Due to Facilities - Loop		0		0		0		0		0	
PR-6-02-3520	% Installation Troubles reported within 7 Days - Hot Cut Loop		0.4		0.81		0.7		0.97		0.61	
PR-9-08-3520	Average Duration of Service Interruption		15.9		21.2		18.55		17.36		19.57	
PR-1 - Average Interval Offered												
PR-1-12-3133	Av. Interval Offered - Disconnects	3.69	4.29	3.72	5.07	3.5	5.29	3.55	5.13	6.05	6.96	
PR-1 - Average Interval Offered												
PR-1-01-3341	Av. Interval Offered – Total No Dispatch	1.4	5.5	1.45	5	1.61	0	1.87	6	1.97	NA	1,2,3,4
PR-1-02-3341	Av. Interval Offered – Total Dispatch	2.97	5.9	3.18	5.93	3.68	5.89	3.43	5.61	3.92	5.63	
PR-4-08-3341	% Missed Appt. – Customer – Late Order Conf.		0		0		0		0		0	
PR-5-01-3341	% Missed Appointment - Verizon Facilities	2.33	1.16	3.3	1.22	2.3	3.23	3.37	1.92	4.68	0	

MASSACHUTTES PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PR-5-02-3341	% Orders Held for Facilities > 15 Days	0.29	0	0	0	0	0	0	0	0.29	0	
PR-5-04-3341	% Orders Cancelled (> 5 days) after Due Date - Due to Facilities		0		0		0		0		0	
PR-1 - Average Interval Offered												
PR-1-01-3342	Av. Interval Offered – Total No Dispatch		5.33		4.43		NA		6		6	1,2,4,5
PR-1-02-3342	Av. Interval Offered – Total Dispatch		5.98		5.87		5.95		5.96		5.98	
PR-3-10-3342	% Completed in 6 Days (1-5 Lines - Total)		100		99.53		99.45		100		100	
PR-3-11-3342	% Completed in 9 Days (1-5 Lines - Total)											
PR-4-08-3342	% Missed Appt. – Customer – Late Order Conf.		0		0		0		0		0	
PR-5-01-3342	% Missed Appointment - Verizon Facilities	0.4	1.23	1.24	1.39	0.41	1.08	0.73	0.26	1.05	0.27	
PR-5-02-3342	% Orders Held for Facilities > 15 Days	0	0	0.1	0	0	0	0	0	0.12	0	
PR-5-04-3342	% Orders Cancelled (> 5 days) after Due Date - Due to Facilities		0.24		0		0		0		0	
PR-1 - Average Interval Offered												
PR-1-01-3343	Av. Interval Offered – Total No Dispatch	2.93	2.9	2.88	2.94	2.92	2.92	2.97	2.99	2.97	2.86	
PR-1-02-3343	Av. Interval Offered – Total Dispatch	3	3	3	3	2.99	3	3	3	2.99	3	
PR-3-03-3343x	% Completed in 3 Days (1-5 Lines - No Dispatch)		100		99.29		100		100		100	
PR-5-01-3343	% Missed Appointment - Verizon Facilities	0.4	0	1.24	0	0.41	5.56	0.73	0	1.05	4.55	
PR-5-02-3343	% Orders Held for Facilities > 15 Days	0	0	0.1	0	0	0	0	0	0.12	0	
PR-1 - Average Interval Offered												
PR-1-01-3345	Av. Interval Offered – Total No Dispatch	2.93	NA	2.88	NA	2.92	NA	2.97	NA	2.97	NA	
PR-1-02-3345	Av. Interval Offered – Total Dispatch	3	NA	3	NA	2.99	NA	3	NA	2.99	NA	
PR-3-03-3345	% Completed in 3 Days (1-5 Lines - No Dispatch)	99.91	NA	99.93	NA	99.86	NA	99.89	NA	99.95	NA	
PR-3-03-3345x	% Completed in 3 Days (1-5 Lines - No Dispatch)		NA		NA		NA		NA		NA	
PR-4-02-3345	Average Delay Days – Total	2.2	NA	3.36	NA	1.45	NA	1.85	NA	3.2	NA	
PR-4-03-3345	% Missed Appointment – Customer		NA		NA		NA		NA		NA	

MASSACHUTTES PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PR-5-02-3345	% Orders Held for Facilities > 15 Days	0	NA	0.1	NA	0	NA	0	NA	0.12	NA	
PR-8-02-3345	Open Orders in a Hold Status > 90 Days	0	NA	0	NA	0	NA	0	NA	0	NA	
PR-1 - Average Interval Offered												
PR-1-06-3200	Av. Interval Offered – DS0	9.95	NA	10.31	NA	11	NA	11.1	NA	10.02	NA	
PR-1-07-3200	Av. Interval Offered – DS1	16.3	14.88	17.83	16.71	19.91	18.73	19.87	19.66	21.79	16.73	
PR-1-08-3200	Av. Interval Offered – DS3	35.14	NA	32.39	NA	51.33	NA	22.29	NA	45.13	NA	
PR-1-09-3511	Av. Interval Offered – Total - EEL – Backbone		NA		10		58		NA		NA	2,3
PR-1-09-3512	Av. Interval Offered – Total - EEL – Loop		20.5		19.78		15.5		17.92		20.5	
PR-1-09-3530	Av. Interval Offered – Total - IOF		13.47		13.89		10.81		17.5		12.69	
PR-1-12-3200	Av. Interval Offered – Disconnects	11.59	5.73	10.15	7.46	10.62	6.81	12.16	6.92	12.77	6.7	
PR-5-01-3200	% Missed Appointment – Verizon – Facilities	0	0.72	0.42	0.5	0.79	1.14	0.21	2.03	1.76	1.43	
PR-5-02-3200	% Orders Held for Facilities > 15 Days	0	0.72	0	0	0	0	0	0	0	0	
PR-5-04-3200	% Orders Cancelled (> 5 days) after Due Date - Due to Facilities		0		0		0		0		0	
PR-8-01-3510	Open Orders in a Hold Status > 30 Days - EEL	0	0	0	0	0	0	0.32	0	0.44	0	
PR-8-01-3530	Open Orders in a Hold Status > 30 Days - IOF	20	0	16.67	0	30	0	14.29	0	12.5	0	
PR-8-02-3510	Open Orders in a Hold Status > 90 Days - EEL	0	0	0	0	0	0	0	0	0	0	
PR-8-02-3530	Open Orders in a Hold Status > 90 Days - IOF	0	0	8.33	0	10	0	7.14	0	12.5	0	
MR-4-04-3550	% Cleared (all troubles) within 24 Hours	77.03	87.85	74.6	89.89	73.89	87.39	69.12	87.65	67.45	86.95	
MR-4-07-3550	% Out of Service > 12 Hours	57.2	48.08	57.8	48.09	58.23	45.94	62.79	47.83	60.04	51.69	
MR-4-08-3550	% Out of Service > 24 Hours	22.85	12.09	24.94	10.85	25.08	13.45	30.04	11.96	30.86	13.48	

MASSACHUTTES PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
MR-3-03-3140	% CPE/TOK/FOK - Missed Appointment - Platform		6.5		6.8		5.94		7.18		8.58	
MR-4-02-3144	Mean Time To Repair – Loop Trouble - Platform - Bus.	12.05	11.2	12.56	12.43	12.48	11.63	12.29	11.3	10.96	9.58	
MR-4-02-3145	Mean Time To Repair – Loop Trouble - Platform - Res.	20.36	18.05	21.5	20.98	22.01	21.93	23.68	19.8	23.51	20.32	
MR-4-03-3144	Mean Time To Repair – Central Office Trouble - Bus.	8	6.05	8.36	8.24	7.62	5.26	7.44	5.09	7.8	7.98	
MR-4-03-3145	Mean Time To Repair – Central Office Trouble - Res.	9.61	9.48	9.13	4.85	10.32	8.46	10.79	22.22	11.33	13.15	1,3
MR-4-08-3144	% Out of Service > 24 Hours - Bus.	11.53	6.9	12.24	9.66	11.35	14.62	12.57	9.15	10.16	4.89	
MR-4-08-3145	% Out of Service > 24 Hours - Res.	25.32	16.98	27.71	24.49	27.9	35.29	33.32	28.85	34.67	30.67	
MR-2-05-3341	% CPE/TOK/FOK Trouble Report Rate		1.21		1.6		1.05		0.98		0.64	
MR-3-03-3341	% CPE/TOK/FOK - Missed Appointment		0		1.61		2.5		5.41		0	
MR-4-04-3341	% Cleared (all troubles) within 24 Hours	76.96	78.95	74.58	94.44	73.84	77.78	69.1	95	67.44	86.11	
MR-2-04-3342	% Subsequent Reports		13.82		18.25		10.92		24		40.59	
MR-2-05-3342	% CPE/TOK/FOK Trouble Report Rate		0.65		0.7		0.81		0.75		0.72	
MR-3-03-3342	%CPE/TOK/FOK - Missed Appointment		1.09		0		0		1.89		0.99	
MR-4-04-3342	% Cleared (all troubles) within 24 Hours	76.96	87.74	74.58	85.71	73.84	86.79	69.1	85.26	67.44	89.11	
MR-2-04-3343	% Subsequent Reports		25		60		40		30		42.86	1,2
MR-2-05-3343	% CPE/TOK/FOK Trouble Report Rate		0.77		0.79		0.94		0.92		1.03	
MR-3-03-3343	%CPE/TOK/FOK - Missed Appointment		9.52		4.55		11.11		18.52		3.23	
MR-4-04-3345	% Cleared (all troubles) within 24 Hours	70.49	NA	74.65	NA	64.78	NA	60.25	NA	63.9	NA	
MR-4-07-3345	% Out of Service > 12 Hours	63.96	NA	59.37	NA	70.94	NA	72.35	NA	69.95	NA	
MR-4-08-3345	% Out of Service > 24 Hours	28.98	NA	25.07	NA	32.2	NA	38.44	NA	35.52	NA	
MR-4-04-3216	% Cleared (all troubles) within 24 Hours - Non DS0 & DS0	97.23	NA	98.14	NA	96.92	NA	94.52	NA	95.51	NA	
MR-4-04-3217	% Cleared (all troubles) within 24 Hours - DS1 & DS3	97.26	95.92	95.56	98.55	97.14	96.43	92.99	98.65	97.38	97.09	

MASSACHUTTES PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
MR-4-06-3216	% Out of Service > 4 Hours - Non DS0 & DS0	53.65	NA	57.59	NA	60.81	NA	68.37	NA	63.95	NA	
MR-4-06-3217	% Out of Service > 4 Hours - DS1 & DS3	59.53	55	67.71	54.24	67.49	67.35	69.66	78.79	69.78	60.87	
MR-4-08-3216	% Out of Service > 24 Hours - Non DS0 & DS0	2.86	NA	1.9	NA	3.01	NA	5.45	NA	3.77	NA	
MR-4-08-3217	% Out of Service > 24 Hours - DS1 & DS3	2.79	2.5	4.48	1.69	2.88	2.04	7.12	1.52	2.64	3.26	
PR-8-01-5000	Open Orders in a Hold Status > 30 Days	0	0	0.04	0	0	0.01	4.4	0.65	0	0	
PR-8-02-5000	Open Orders in a Hold Status > 90 Days	0	0	0	0	0	0.01	0	0.65	0	0	
NP-1-01-5000	% Final Trunk Groups Exceeding Blocking Standard	0.65	0	1.96	0	0.67	0	0.34	0	0.74	0	

Abbreviations: NA = No Activity.
UD = Under Development.
NEF = No Existing Functionality
blank cell = No data provided.
VZ = Verizon retail analog. If no data was provided, the metric may have a benchmark.

Notes: 1 = Sample Size under 10 for February.
2 = Sample Size under 10 for March.
3 = Sample Size under 10 for April.
4 = Sample Size under 10 for May.
5 = Sample Size under 10 for June.

Appendix D

Delaware Performance Metrics

All data included here are taken from the Delaware Carrier-to-Carrier Reports. This table is provided as a reference tool for the convenience of the reader. No conclusions are to be drawn from the raw data contained in this table. Our analysis is based on the totality of the circumstances, such that we may use non-metric evidence, and may rely more heavily on some metrics more than others, in making our determination. The inclusion of these particular metrics in this table does not necessarily mean that we relied on all of these metrics nor that other metrics may not also be important in our analysis. Some metrics that we have relied on in the past and may rely on for a future application were not included here because there was no data provided for them (usually either because there was no activity, or because the metrics are still under development). Metrics with no retail analog provided are usually compared with a benchmark. Note that for some metrics during the period provided, there may be changes in the metric definition, or changes in the retail analog applied, making it difficult to compare the data over time.

PERFORMANCE METRICS CATAGORIES

Metric Number	Metric Name
Preorder and OSS Availability:	
OR-1-02	% On Time LSRC - Flow Through
OR-1-04	% On Time LSRC (Electronic - No Flow Through)
OR-1-06	% On Time LSRC (Electronic - No Flow Through)
OR-1-08	% On Time LSRC (Fax)
OR-1-10	% On Time LSRC Lines (Fax)
OR-1-11	Average Firm Order Confirmation (FOC) Time <=192 Forecasted Trunks
OR-1-12	% On Time FOC <= 192 Forecasted Trunks
OR-1-13	% On Time Design Layout Record (DLR)
PO-1-01	Average Response Time – Customer Service Record
PO-1-02	Average Response Time - Due Date Availability
PO-1-03	Average Response Time - Address Validation
PO-1-04	Average Response Time - Product and Service Availability
PO-1-05	Average Response Time - Telephone Number Availability and Reservation
PO-1-06	Average Response Time - Facility Availability - (ADSL Loop Qualification)
PO-1-07	Average Response Time - Rejected Query
PO-2-01	OSS Interface Availability – Total - Electronic Bonding - Maintenance
PO-2-02	OSS Interface Availability – Prime Time - EDI - Pre-Ordering
PO-2-03	OSS Interface Availability – Non-Prime Time - Electronic Bonding - Maintenance
PO-3-02	% Answered within 20 Seconds – Ordering
PO-3-04	% Answered within 20 Seconds – Repair
PO-5-01	Average Notice of Interface Outage
PO-8-01	% On Time - Manual Loop Qualification
PO-8-02	% On Time - Engineering Record Request
MR-1-01	Average Response Time - Create Trouble - Electronic Bonding

Metric Number	Metric Name
Provisioning:	
PR-2-01	Average Interval Completed – Total No Dispatch
PR-2-02	Average Interval Completed – Total Dispatch
PR-2-03	Average Interval Completed – Dispatch (1-5 Lines)
PR-2-04	Average Interval Completed - Dispatch (6-9 Lines)
PR-2-05	Average Interval Completed - Dispatch (>= 10 Lines)
PR-2-06	Average Interval Completed - DS0
PR-2-07	Average Interval Completed – DS1
PR-2-08	Average Interval Completed – DS3
PR-2-09	Average Interval Completed – Total
PR-4-01	% Missed Appt. – VZ – Total
PR-4-02	Average Delay Days – Total
PR-4-03	% Missed Appt. – Customer
PR-4-04	% Missed Appt. – VZ – Dispatch
PR-4-05	% Missed Appt. – VZ – No Dispatch
PR-4-07	% On Time Performance - LNP
PR-4-08	% Missed Appt. – Customer – Due to Late Order Confirmation
PR-4-14	% Completed on Time
PR-5-01	% Missed Appointment – Verizon – Facilities
PR-5-02	% Orders Held for Facilities > 15 Days
PR-5-03	% Orders Held for Facilities > 60 Days
PR-6-01	% Installation Troubles reported within 30 Days
PR-6-02	% Installation Troubles reported within 7 Days
PR-6-03	% Inst. Troubles reported w/ in 30 Days - FOK/TOK/CPE
PR-8-01	% Open Orders in a Hold Status > 30 Days

PERFORMANCE METRICS CATAGORIES

Metric Number	Metric Name
MR-1-02	Average Response Time - Status Trouble - Electronic Bonding
MR-1-03	Average Response Time - Modify Trouble - Electronic Bonding
MR-1-04	Average Response Time - Request Cancellation of Trouble - Electronic Bonding
MR-1-05	Average Response Time - Trouble Report History (by TN/Circuit) - Electronic Bonding
MR-1-06	Average Response Time - Test Trouble (POTS Only) - Electronic Bonding
Change Management, Billing, OS/DA, Interconnection and Collocation:	
BI-1-02	% DUF in 4 Business Days
BI-2-01	Timeliness of Carrier Bill - Paper Bills
BI-2-02	Timeliness of Carrier Bill - Electronic Bills - BOS BDT format
BI-3-01	% Billing Adjustments - Paper Bills (CRIS & CABS combined)
BI-3-03	% Billing Adjustments - Electronic Bills - BOS BDT format
NP-1-01	% FTG Exceeding Blocking Standard - Final Trunks
NP-1-02	% FTG Exceeding Blocking Standard (No Exceptions) - Final Trunks
NP-1-03	Number Dedicated FTG Exceeding Blocking Standard – 2 Months
NP-1-04	Number Dedicated FTG Exceeding Blocking Standard – 3 Months
NP-2-01	% On Time Response to Request for Physical Collocation
NP-2-02	% On Time Response to Request for Virtual Collocation
NP-2-03	Average Interval – Physical Collocation
NP-2-04	Average Interval – Virtual Collocation
NP-2-05	% On Time – Physical Collocation
NP-2-06	% On Time – Virtual Collocation
NP-2-07	Average Delay Days – Physical Collocation

Metric Number	Metric Name
PR-8-02	% Open Orders in a Hold Status > 90 Days
PR-9-01	% On Time Performance - Hot Cuts - Loop
PR-2-10	Average Interval Completed – Disconnects – No Dispatch
PR-2-11	Average Interval Completed – Disconnects – Dispatch
Maintenance and Repair:	
MR-2-01	Network Trouble Report Rate
MR-2-02	Network Trouble Report Rate – Loop
MR-2-03	Network Trouble Report Rate – Central Office
MR-2-04	% Subsequent Reports
MR-2-05	% CPE/TOK/FOK Trouble Report Rate
MR-3-01	% Missed Repair Appointment – Loop
MR-3-02	% Missed Repair Appointment – Central Office
MR-3-03	% Missed Repair Appointment — CPE /TOK/FOK
MR-4-01	Mean Time To Repair – Total
MR-4-02	Mean Time to Repair - Loop Trouble
MR-4-03	Mean Time To Repair – Central Office Trouble
MR-4-04	% Cleared (all troubles) within 24 Hours
MR-4-05	% Out of Service > 2 Hours
MR-4-06	% Out of Service > 4 hours
MR-4-07	% Out of Service > 12 hours
MR-4-08	% Out of Service > 24 Hours

PERFORMANCE METRICS CATAGORIES

Metric Number	Metric Name
NP-2-08	Average Delay Days – Virtual Collocation
Ordering:	
OR-2-02	% On Time LSR Reject - Flow Through
OR-2-04	% On Time LSR Reject (Electronic - No Flow Through)
OR-2-06	% On Time LSR Reject (Electronic - No Flow Through)
OR-2-08	% On Time LSR Reject (Fax)
OR-2-10	% On Time LSR Reject (Fax)
OR-2-11	Average Trunk ASR Reject Time <= 192 Forecasted Trunks
OR-2-12	% On Time Trunk ASR Reject <= 192 Forecasted Trunks
OR-3-01	% Rejects
OR-4-02	Completion Notice – % On Time
OR-5-01	% Flow Through - Total
OR-5-02	% Flow Through - Simple
OR-6-01	% Accuracy - Orders
OR-6-02	% Accuracy – Opportunities
OR-6-03	% Accuracy – Local Service Confirmation
OR-7-01	% Order Confirmations/Rejects Sent Within 3 Business Days

Metric Number	Metric Name
MR-5-01	% Repeat Reports within 30 Days

DELAWARE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
OSS & BILLING (Pre-Ordering) - POTS/Special Services												
PRE-ORDERING												
PO-1 - Response Time OSS Pre-Ordering Interface												
PO-1-01-6022	Average Response Time – Customer Service Record - EDI - PA/DE	0.34	3.08	0.38	3.41	0.33	3.67	0.33	3.45	0.35	2.97	
PO-1-01-6052	Average Response Time – Customer Service Record - Web GUI- PA/DE	0.34	2.44	0.38	2.61	0.33	2.36	0.33	4.03	0.35	2.4	
PO-1-02-6022	Average Response Time - Due Date Availability - EDI - PA/DE	0.89	3.45	0.93	5.3	0.84	3.88	1.01	3.89	0.99	4.12	
PO-1-02-6052	Average Response Time - Due Date Availability - Web GUI - PA/DE	0.89	3.27	0.93	3.39	0.84	3.1	1.01	5.12	0.99	3.51	
PO-1-03-6022	Average Response Time - Address Validation - EDI- PA/DE	9.18	5.02	8.8	4.99	8.76	5.44	9.02	5.49	8.17	5.27	
PO-1-03-6052	Average Response Time - Address Validation - Web GUI - PA/DE	9.18	5.66	8.8	5.98	8.76	5.63	9.02	7.64	8.17	6.36	
PO-1-04-6022	Average Response Time - Product and Service Availability - EDI - PA/DE	13.91	NA	13.49	NA	13.65	14.28	14.09	13.19	13.22	13.28	
PO-1-04-6052	Average Response Time - Product and Service Availability - Web GUI - PA/DE	13.91	13.28	13.49	14.34	13.65	13.55	14.09	16.32	13.22	18.51	
PO-1-05-6022	Average Response Time - Telephone Number Availability and Reservation - EDI - PA/DE	0.82	10.61	0.75	8.17	0.76	6.78	0.82	6.73	0.8	5.38	
PO-1-05-6052	Average Response Time - Telephone Number Availability and Reservation - Web GUI - PA/DE	0.82	6.75	0.75	6.82	0.76	6.73	0.82	8.6	0.8	7.32	
PO-1-06-6022	Average Response Time - Facility Availability - (ADSL Loop Qualification) - EDI - PA/DE	15.19	4.62	15.4	4.2	15.51	5.43	16.63	6.03	15.59	5.31	
PO-1-06-6052	Average Response Time - Facility Availability - (ADSL Loop Qualification) - Web GUI - PA/DE	15.19	4.46	15.4	4.69	15.51	4.41	16.63	7.01	15.59	5.04	

DELAWARE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PO-1-07-6022	Average Response Time - Rejected Query - EDI - PA/DE	0.1	2.85	0.11	3.07	0.09	3.31	0.1	3.26	0.11	3.38	
PO-1-07-6052	Average Response Time - Rejected Query - Web GUI - PA/DE	0.1	3.67	0.11	4.08	0.09	3.63	0.1	5.33	0.11	3.82	
PO-2 - OSS Interface Availability												
PO-2-01-6040	OSS Interface Availability – Total - Web - GUI Maintenance - DE		99.75		99.72		99.28		99.98		99.75	1,2,3,5
PO-2-01-6060	OSS Interface Availability – Total - Electronic Bonding - Maintenance - DE		100		100		100		100		100	
PO-2-02-6020	OSS Interface Availability – Prime Time - EDI - Pre-Ordering - DE		99.72		100		100		100		99.79	1,5
PO-2-02-6040	OSS Interface Availability – Prime Time - Web GUI - Maintenance - DE		99.61		99.55		99.93		100		99.64	1,2,5
PO-2-02-6050	OSS Interface Availability – Prime Time - Web GUI - Pre-Ordering - DE		99.56		99.65		99.92		100		99.6	1,2,5
PO-2-02-6060	OSS Interface Availability – Prime Time - Electronic Bonding - Maintenance - DE		100		100		100		100		100	
PO-2-03-6040	OSS Interface Availability – Non-Prime Time - Web GUI - Maintenance - DE		100		100		98.08		99.94		99.94	3
PO-2-03-6060	OSS Interface Availability – Non-Prime Time - Electronic Bonding - Maintenance - DE		100		100		100		100		100	
PO-3 - Contact Center Availability												
PO-3-02-2004	% Answered within 20 Seconds – Ordering - Pittsburgh		92.87		92.37		91.48		89.45			
PO-3-04-2002	% Answered within 20 Seconds – Repair - Richmond		87.2		86.71		85.6		86.4		86.2	
PO-5 - Average Notification of Interface Outage												
PO-5-01-2030	Average Notice of Interface Outage		15		15		NA		NA		20	1,2,5
PO-8 - Manual Loop Qualification												
PO-8-01-3300	% On Time - Manual Loop Qualification		100		100		100		100		100	1,2,3,4,5

DELAWARE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PO-8-02-3300	% On Time - Engineering Record Request		NA		NA		NA		NA		NA	
TROUBLE REPORTING (OSS)												
MR-1 - Response Time OSS Maintenance Interface												
MR-1-01-6040	Average Response Time - Create Trouble - Web GUI	8.28	3.46	8.72	3.77	8.31	3.65	8.82	3.55	8.56	3.63	
MR-1-01-6060	Average Response Time - Create Trouble - Electronic Bonding	8.28	11.01	8.72	13.05	8.31	14.27	8.82	16.25	8.56	18.19	
MR-1-02-6040	Average Response Time - Status Trouble - Web GUI	4.37	7.89	4.46	4.04	4.36	2.5	4.38	NA	4.32	NA	1,2,3
MR-1-02-6060	Average Response Time - Status Trouble - Electronic Bonding	4.37	0.19	4.46	NA	4.36	NA	4.38	0.19	4.32	NA	1,4
MR-1-03-6040	Average Response Time - Modify Trouble - Web GUI	7.98	NA	8.38	NA	8.06	NA	8.49	NA	8.23	NA	
MR-1-03-6060	Average Response Time - Modify Trouble - Electronic Bonding	7.98	8.78	8.38	7.92	8.06	14.12	8.49	5.9	8.23	6.86	4
MR-1-04-6040	Average Response Time - Request Cancellation of Trouble - Web GUI	9.47	NA	9.9	5.35	9.5	NA	9.77	NA	9.83	NA	2
MR-1-04-6060	Average Response Time - Request Cancellation of Trouble - Electronic Bonding	9.47	NA	9.9	NA	9.5	NA	9.77	NA	9.83	NA	
MR-1-05-6040	Average Response Time - Trouble Report History (by TN/Circuit) - Web GUI	0.48	0.78	0.49	0.82	0.51	0.97	0.49	0.84	0.53	2.59	5
MR-1-05-6060	Average Response Time - Trouble Report History (by TN/Circuit) - Electronic Bonding	NEF	NEF	NEF	NEF	NEF	NEF	NEF	NEF	NEF	NEF	
MR-1-06-6040	Average Response Time - Test Trouble (POTS Only) - Web Gui	47.53	42.65	47.9	45.98	48.2	41.59	46.81	56.7	47.77	42.55	
MR-1-06-6060	Average Response Time - Test Trouble (POTS Only) - Electronic Bonding	47.53	NA	47.9	NA	48.2	NA	46.81	NA	47.77	NA	
BILLING												
BI-1 - Timeliness of Daily Usage Feed												

DELAWARE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
BI-1-02-2030	% DUF in 4 Business Days		99.27		99.1		99.47		98.11		98.25	
BI-2 - Timeliness of Carrier Bill												
BI-2-01-2030	Timeliness of Carrier Bill - Paper Bills		100		100		100		100		100	
BI-2-02-2030	Timeliness of Carrier Bill - Electronic Bills - BOS BDT format		100		100		100		100		100	
BI-3 - Billing Accuracy												
BI-3-01-2030	% Billing Adjustments - Paper Bills (CRIS & CABS combined)	0.57	0.72	0.46	0.01	0.17	3.28	0.78	1.61	0.55	2.72	
BI-3-03-2030	% Billing Adjustments - Electronic Bills - BOS BDT format	0.57	0	0.46	0	0.17	0.06	0.78	0.02	0.55	0.04	
Resale (Ordering) - POTS/Special Services												
POTS/ Pre-Qualified Complex (combined data)												
OR-1 - Order Confirmation Timeliness												
OR-1-02-2320	% On Time LSRC - Flow Through		100		100		100		100		98.03	
OR-1-04-2320	% On Time LSRC < 10 Lines (Electronic - No Flow Through)		100		99.8		100		100		97.6	
OR-1-06-2320	% On Time LSRC >=10 Lines (Electronic - No Flow Through)		100		100		100		100		100	1,3,5
OR-1-08-2320	% On Time LSRC < 10 Lines (Fax)		NA		NA		NA		NA		NA	
OR-1-10-2320	% On Time LSRC >= 10 Lines (Fax)		NA		NA		NA		NA		NA	
OR-2 - Reject Timeliness												
OR-2-02-2320	% On Time LSR Reject - Flow Through		100		100		100		100		99.4	
OR-2-04-2320	% On Time LSR Reject < 10 Lines (Electronic - No Flow Through)		100		100		100		100		100	
OR-2-06-2320	% On Time LSR Reject >= 10 Lines (Electronic - No Flow Through)		100		100		100		100		100	1,3,4,5
OR-2-08-2320	% On Time LSR Reject < 10 Lines (Fax)		NA		NA		NA		NA		NA	
OR-2-10-2320	% On Time LSR Reject >=10 Lines (Fax)		NA		NA		NA		NA		NA	
Complex Services - 2 Wire Digital												
OR-1 - Order Confirmation Timeliness												

DELAWARE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
OR-1-04-2341	% On Time LSRC < 6 Lines (Electronic - No Flow Through)		100		100		100		100		100	1,2,3,4,5
OR-1-06-2341	% On Time LSRC >= 6 Lines (Electronic - No Flow Through)		100		NA		NA		NA		NA	1
OR-1-08-2341	% On Time LSRC < 6 Lines (Fax)		NA		NA		NA		NA		NA	
OR-1-10-2341	% On Time LSRC >= 6 Lines (Fax)		NA		NA		NA		NA		NA	
OR-2 - Reject Timeliness - Requiring Loop Qualification												
OR-2-04-2341	% On Time LSR Reject < 6 Lines (Electronic - No Flow Through)		100		100		100		NA		NA	1,2,3
OR-2-06-2341	% On Time LSR Reject >= 6 Lines (Electronic - No Flow Through)		NA		NA		NA		NA		NA	
OR-2-08-2341	% On Time LSR Reject < 6 Lines (Fax)		NA		NA		NA		NA		NA	
OR-2-10-2341	% On Time LSR Reject >= 6 Lines (Fax)		NA		NA		NA		NA		NA	
Complex Services - 2 Wire xDSL												
OR-1 - Order Confirmation Timeliness												
OR-1-04-2342	% On Time LSRC < 6 Lines (Electronic - No Flow Through)		NA		NA		NA		NA		NA	
OR-1-06-2342	% On Time LSRC >= 6 Lines (Electronic - No Flow Through)		NA		NA		NA		NA		NA	
OR-1-08-2342	% On Time LSRC < 6 Lines (Fax)		NA		NA		NA		NA		NA	
OR-1-10-2342	% On Time LSRC >= 6 Lines (Fax)		NA		NA		NA		NA		NA	
OR-2 - Reject Timeliness - Requiring Loop Qualification												
OR-2-04-2342	% On Time LSR Reject < 6 Lines (Electronic - No Flow Through)		NA		NA		NA		NA		NA	
OR-2-06-2342	% On Time LSR Reject >= 6 Lines (Electronic - No Flow Through)		NA		NA		NA		NA		NA	
OR-2-08-2342	% On Time LSR Reject < 6 Lines (Fax)		NA		NA		NA		NA		NA	
OR-2-10-2342	% On Time LSR Reject >= 6 Lines (Fax)		NA		NA		NA		NA		NA	
Special Services												
OR-1 - Order Confirmation Timeliness												

DELAWARE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
OR-1-04-2214	% On Time LSRC < 10 Lines - Non-DS0, DS1, & DS3 (Electronic - No Flow Through)		NA		NA		100		100		100	3,4,5
OR-1-06-2210	% On Time LSRC >=10 Lines - DS0 (Electronic - No Flow Through)		NA		NA		NA		NA		NA	
OR-1-06-2211	% On Time LSRC >=10 Lines - DS1 (Electronic - No Flow Through)		NA		NA		NA		NA		NA	
OR-1-06-2213	% On Time LSRC >=10 Lines - DS3 (Electronic - No Flow Through)		NA		NA		NA		NA		NA	
OR-1-06-2214	% On Time LSRC >=10 Lines - Non-DS0, DS1, & DS3 (Electronic - No Flow Through)		NA		NA		NA		NA		NA	
OR-1-08-2214	% On Time LSRC < 10 Lines - Non DS0,DS1, & DS3 (Fax)		NA		NA		NA		NA		NA	
OR-1-10-2210	% On Time LSRC >= 10 Lines - DS0 (Fax)		NA		NA		NA		NA		NA	
OR-1-10-2211	% On Time LSRC >= 10 Lines - DS1 (Fax)		NA		NA		NA		NA		NA	
OR-1-10-2213	% On Time LSRC >= 10 Lines - DS3 (Fax)		NA		NA		NA		NA		NA	
OR-1-10-2214	% On Time LSRC >= 10 Lines - Non DS0,DS1, & DS3 (Fax)		NA		NA		NA		NA		NA	
OR-2 - Reject Timeliness												
OR-2-04-2200	% On Time LSR Reject < 10 Lines (Electronic - No Flow Through)		NA		100		100		NA		100	2,3,5
OR-2-06-2200	% On Time LSR Reject >= 10 Lines (Electronic - No Flow Through)		100		NA		NA		NA		NA	1
OR-2-08-2200	% On Time LSR Reject < 10 Lines (Fax)		NA		NA		NA		NA		NA	
OR-2-10-2200	% On Time LSR Reject >=10 Lines (Fax)		NA		NA		NA		NA		NA	
POTS / Special Services - Aggregate												
OR-3 - Percent Rejects												
OR-3-01-2000	% Rejects		16.8		20.65		18.27		14.64		20.7	
OR-4 - Timeliness of Completion Notification												
OR-4-02-2000	Completion Notice – % On Time		100		100		100		100		99.61	

DELAWARE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
OR-5 - Percent Flow-Through												
OR-5-01-2000	% Flow Through - Total		65.43		62.63		68.12		83.52		84.83	
OR-6 - Order Accuracy												
OR-6-01-2000	% Accuracy - Orders		99.03		99.75		99.5		96.6		97.5	
OR-6-02-2000	% Accuracy – Opportunities		99.9		99.98		99.96		99.65		99.73	
OR-6-03-2000	% Accuracy – Local Service Confirmation		0		0		0		0		0	
Resale (Provisioning) - POTS/Special Services												
POTS - Provisioning - Total												
PR-2 - Average Completed Interval												
PR-2-04-2100	Average Interval Completed - Dispatch (6-9 Lines)	8.38	NA	5.5	1	4.22	NA	8.67	NA	5.42	NA	2
PR-2-05-2100	Average Interval Completed - Dispatch (>= 10 Lines)	4.5	1	6.25	NA	6	10	6.8	NA	6.17	NA	1,3
PR-4 - Missed Appointments												
PR-4-02-2100	Average Delay Days – Total	1.89	1.57	2.06	3.11	2.34	1	1.85	2	1.83	1.25	1,3,4,5
PR-4-03-2100	% Missed Appt. – Customer		2.1		1.62		2		1.6		1.24	
PR-4-04-2100	% Missed Appt. – VZ – Dispatch	11.78	3.18	12.73	3.41	19	1	16.76	2.98	21.11	5.63	
PR-4-05-2100	% Missed Appt. – VZ – No Dispatch	0.05	0	0.05	0	0.08	0	0.03	0	0.12	0	
PR-4-08-2100	% Missed Appt. – Customer – Due to Late Order Confirmation		0		0		0		0		0	
PR-6 - Installation Quality												
PR-6-01-2100	% Installation Troubles reported within 30 Days	1.78	1.69	2.04	2.15	1.95	2.18	1.95	2.12	2.32	2.9	
PR-6-02-2100	% Installation Troubles reported within 7 Days	1.09	1.31	1.22	1.18	1.11	1.04	1.14	1.54	1.39	2.05	
PR-6-03-2100	% Installation Troubles reported within 30 Days – FOK/TOK/CPE		2.72		1.11		2.56		1.35		2.05	
PR-8 - Open Orders in a Hold Status												
PR-8-01-2100	% Open Orders in a Hold Status > 30 Days	0	0	0	0	0	0	0	0	0	0	
PR-8-02-2100	% Open Orders in a Hold Status > 90 Days	0	0	0	0	0	0	0	0	0	0	

DELAWARE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
POTS - Business												
PR-2 - Average Completed Interval												
PR-2-01-2110	Average Interval Completed – Total No Dispatch	1.44	1.11	1.63	1.58	1.77	1.32	2.22	4.69	1.66	1.58	
PR-2-03-2110	Average Interval Completed – Dispatch (1-5 Lines)	4.1	3.5	4.53	4.5	4.64	3.43	4.29	4.13	3.94	3	1,2,3,4,5
POTS - Residence												
PR-2 - Average Completed Interval												
PR-2-01-2120	Average Interval Completed – Total No Dispatch	0.99	0.81	1	1.15	1.07	1.06	1.12	1.22	1.17	1.23	
PR-2-03-2120	Average Interval Completed – Dispatch (1-5 Lines)	4.09	2.56	4.23	2.49	4.2	2.42	4.39	2.41	4.26	2.57	
Complex Services - 2 Wire Digital												
PR-2 - Average Completed Interval												
PR-2-01-2341	Average Interval Completed – Total No Dispatch	6	NA	6	NA	NA	NA	NA	NA	NA	NA	
PR-2-02-2341	Average Interval Completed – Total Dispatch	6	NA	5	NA	6	7	5.75	NA	5.9	4	3,5
PR-4 - Missed Appointment												
PR-4-02-2341	Average Delay Days – Total	2	1	10.83	2	4.42	NA	2	NA	4.88	NA	1,2
PR-4-03-2341	% Missed Appt. – Customer		20		20		16.67		0		0	1,2,3,4,5
PR-4-04-2341	% Missed Appt. – VZ – Dispatch	0	0	4.12	33.33	14.29	0	1.49	0	0	0	1,2,3,4,5
PR-4-05-2341	% Missed Appt. – VZ – No Dispatch	0	0	2.56	0	0	NA	0	NA	0	NA	1,2
PR-4-08-2341	% Missed Appt. – Customer – Due to Late Order Confirmation		0		0		0		0		0	1,2,3,4,5
PR-6 - Installation Quality												
PR-6-01-2341	% Installation Troubles reported within 30 Days	0	0	0	0	1.22	0	2.47	0	4.35	0	1,2,3,4,5
PR-6-03-2341	% Inst. Troubles reported w/ in 30 Days - FOK/TOK/CPE		0		0		0		0		0	1,2,3,4,5
PR-8 - Open Orders in a Hold Status												

DELAWARE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PR-8-01-2341	% Open Orders in a Hold Status > 30 Days	0	0	0	0	0	0	0	0	0	0	1,2,3,4,5
PR-8-02-2341	% Open Orders in a Hold Status > 90 Days	0	0	0	0	0	0	0	0	0	0	1,2,3,4,5
Complex Services - 2 Wire xDSL												
PR-2 - Average Completed Interval												
PR-2-01-2342	Average Interval Completed – Total No Dispatch	2.14	NA	2.33	NA	3.01	NA	3	NA	3.02	NA	
PR-2-02-2342	Average Interval Completed – Total Dispatch	2.3	NA	2.78	NA	3	NA	2.95	NA	3	NA	
PR-4 - Missed Appointment												
PR-4-02-2342	Average Delay Days – Total	1	NA	1	NA	1	NA	1	NA	1	NA	
PR-4-03-2342	% Missed Appt. – Customer		0		NA		NA		NA		NA	1
PR-4-04-2342	% Missed Appt. – VZ – Dispatch	0	NA	0	NA	0	NA	0	NA	0	NA	
PR-4-05-2342	% Missed Appt. – VZ – No Dispatch	0	0	0.45	NA	0.16	NA	0.63	NA	0.89	NA	1
PR-4-08-2342	% Missed Appt. – Customer – Due to Late Order Confirmation		0		NA		NA		NA		NA	1
PR-6 - Installation Quality												
PR-6-01-2342	% Installation Troubles reported within 30 Days	0.22	0	0.59	NA	0	NA	0.2	NA	0.85	NA	1
PR-6-03-2342	% Inst. Troubles reported w/ in 30 Days - FOK/TOK/CPE		0		NA		NA		NA		NA	1
PR-8 - Open Orders in a Hold Status												
PR-8-01-2342	% Open Orders in a Hold Status > 30 Days	0	0	0	NA	0	NA	0	NA	0	NA	1
PR-8-02-2342	% Open Orders in a Hold Status > 90 Days	0	0	0	NA	0	NA	0	NA	0	NA	1
POTS & Complex Aggregate												
PR-2 - Average Completed Interval												
PR-2-10-2103	Average Interval Completed – Disconnects – No Dispatch	3.5	1.95	3.7	6.52	3.79	3.1	4.04	0.54	4.3	0.48	
PR-2-11-2103	Average Interval Completed – Disconnects – Dispatch	3.78	NA	2.33	NA	4.97	NA	4.34	NA	3.59	NA	
Special Services - Provisioning												
PR-2 - Average Completed Interval												

DELAWARE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PR-2-01-2200	Average Interval Completed – Total No Dispatch	5.75	NA	6.4	NA	7.5	NA	5.6	NA	7.6	NA	
PR-2-02-2200	Average Interval Completed – Total Dispatch	6	NA	8.91	NA	7.45	NA	5.63	NA	7.79	7	5
PR-2-06-2210	Average Interval Completed - DSO	5.29	NA	11	NA	7.67	NA	5.08	NA	7.25	7	5
PR-2-07-2211	Average Interval Completed – DS1	6.44	NA	7.71	NA	7.38	NA	6.5	NA	7.87	NA	
PR-2-08-2213	Average Interval Completed – DS3	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
PR-2-10-2200	Average Interval Completed – Disconnects – No Dispatch	6.71	NA	4.17	6	4.65	NA	9.67	NA	5.29	NA	2
PR-2-11-2200	Average Interval Completed – Disconnects – Dispatch	4.5	NA	4.6	4	5.71	NA	13.38	NA	3	NA	2
PR-4 - Missed Appointments												
PR-4-01-2200	% Missed Appt. – VZ – Total	0	NA	1.14	NA	0	0	0	NA	2.33	0	3,5
PR-4-02-2200	Average Delay Days – Total	NA	NA	1	NA	NA	NA	NA	NA	4	NA	
PR-4-03-2200	% Missed Appt. – Customer		NA		NA		100		NA		0	3,5
PR-4-08-2200	% Missed Appt. – Customer – Due to Late Order Confirmation		NA		NA		0		NA		0	3,5
PR-6- Installation Quality												
PR-6-01-2200	% Installation Troubles reported within 30 Days	5.38	NA	2.75	NA	5.33	0	0	NA	2	0	
PR-6-03-2200	% Installation Troubles reported within 30 Days – FOK/TOK/CPE		NA		NA		0		NA		0	
PR-8 - Open Orders in a Hold Status												
PR-8-01-2200	% Open Orders in a Hold Status > 30 Days	0	NA	0	NA	0	0	0	NA	0	0	3,5
PR-8-02-2200	% Open Orders in a Hold Status > 90 Days	0	NA	0	NA	0	0	0	NA	0	0	3,5
Resale (Maintenance) - POTS/Special Services												
POTS - Maintenance												
MR-2 - Trouble Report Rate												
MR-2-02-2100	Network Trouble Report Rate – Loop	0.89	0.67	1.3	0.89	1.23	0.91	1.33	0.9	1.47	0.86	
MR-2-03-2100	Network Trouble Report Rate – Central Office	0.09	0.09	0.09	0.05	0.07	0.1	0.06	0.1	0.14	0.11	

DELAWARE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
MR-2-04-2100	% Subsequent Reports		0		4.17		3.39		6.09		3.7	
MR-2-05-2100	% CPE/TOK/FOK Trouble Report Rate	0.52	0.57	0.59	0.5	0.63	0.59	0.72	0.63	0.86	0.71	
MR-3 - Missed Repair Appointments												
MR-3-01-2100	% Missed Repair Appointment – Loop	13.86	12.2	20.6	14.68	20.25	13.59	18.62	18.56	24.55	22.83	
MR-3-02-2100	% Missed Repair Appointment – Central Office	11.18	9.09	10.48	0	6.27	0	7.76	0	3.65	0	2
MR-3-03-2100	% Missed Repair Appointment — CPE /TOK/FOK	8.13	4.35	8.79	4.92	11.87	5.97	9.33	4.41	12.6	15.79	
MR-4 - Trouble Duration Intervals												
MR-4-01-2100	Mean Time To Repair – Total	17.85	15.82	19.1	16.74	19.8	18.12	19.94	17.97	21.93	18.45	
MR-4-02-2100	Mean Time to Repair - Loop Trouble	18.62	17.13	19.65	16.78	20.49	19.07	20.56	19.19	23.02	20.42	
MR-4-03-2100	Mean Time To Repair – Central Office Trouble	10.27	6.08	11.38	16.03	6.84	9.25	6.86	7.21	10.71	3.4	2
MR-4-04-2100	% Cleared (all troubles) within 24 Hours	80.57	87.1	76.82	82.61	76.25	82.46	77.43	80.56	70.35	78.85	
MR-4-06-2100	% Out of Service > 4 hours	74.28	66.15	83.53	76.09	80.42	81.25	81.38	75.58	86.67	77.92	
MR-4-07-2100	% Out of Service > 12 hours	54.8	52.31	64.92	58.7	59.1	60	59.02	60.47	66.7	63.64	
MR-4-08-2100	% Out of Service > 24 Hours	11.53	7.69	17.75	10.87	15.63	10	14.06	15.12	23.28	15.58	
MR-5 - Repeat Trouble Reports												
MR-5-01-2100	% Repeat Reports within 30 Days	12.98	18.28	12.83	15.65	14.02	12.28	13.45	12.96	13.85	10.58	
Complex Services - 2 Wire Digital												
MR-2 - Trouble Report Rate												
MR-2-02-2341	Network Trouble Report Rate – Loop	0.45	0	0.38	0	0.66	2.04	0.36	3.23	0.45	0	
MR-2-03-2341	Network Trouble Report Rate – Central Office	0.05	0	0.1	0	0	0	0.23	0	0.1	0	
MR-2-04-2341	% Subsequent Reports		NA		NA		0		33.33		NA	3,4
MR-2-05-2341	% CPE/TOK/FOK Trouble Report Rate	1.21	1.92	0.98	3.64	1.06	8.16	1.27	3.23	0.93	1.49	
MR-3 - Missed Repair Appointments												
MR-3-01-2341	% Missed Repair Appointment – Loop	50	NA	53.33	NA	53.85	0	42.86	100	61.11	NA	3,4
MR-3-02-2341	% Missed Repair Appointment – Central Office	0	NA	0	NA	NA	NA	22.22	NA	25	NA	

DELAWARE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
MR-3-03-2341	% Missed Repair Appointment — CPE /TOK/FOK	27.08	0	20.51	0	33.33	25	22	0	37.84	100	1,2,3,4,5
MR-4 - Trouble Duration Intervals												
MR-4-01-2341	Mean Time To Repair – Total	19.34	NA	20.46	NA	52.63	19.7	25.02	50.94	33.76	NA	3,4
MR-4-02-2341	Mean Time to Repair - Loop Trouble	20.36	NA	20.63	NA	52.63	19.7	33.01	50.94	38.7	NA	3,4
MR-4-03-2341	Mean Time To Repair – Central Office Trouble	10.14	NA	19.82	NA	NA	NA	12.59	NA	11.53	NA	
MR-4-04-2341	% Cleared (all troubles) within 24 Hours	70	NA	52.63	NA	50	100	65.22	0	59.09	NA	3,4
MR-4-07-2341	% Out of Service > 12 hours	55.56	NA	80	NA	66.67	100	61.54	100	71.43	NA	3,4
MR-4-08-2341	% Out of Service > 24 Hours	33.33	NA	60	NA	41.67	0	30.77	100	57.14	NA	3,4
MR-5 - Repeat Trouble Reports												
MR-5-01-2341	% Repeat Reports within 30 Days	35	NA	21.05	NA	15.38	0	21.74	50	27.27	NA	3,4
Complex Services - 2 Wire xDSL												
MR-2 - Trouble Report Rate												
MR-2-02-2342	Network Trouble Report Rate – Loop	0.06	0	0.09	0	0	0	0	0	0.13	0	1,2
MR-2-03-2342	Network Trouble Report Rate – Central Office	0.02	0	0.02	0	0	0	0	0	0.06	0	1,2
MR-2-04-2342	% Subsequent Reports		NA		NA		NA		NA		NA	
MR-2-05-2342	% CPE/TOK/FOK Trouble Report Rate	0.65	0	0.57	0	0	0	0	0	1.51	0	1,2
MR-3 - Missed Repair Appointments												
MR-3-01-2342	% Missed Repair Appointment – Loop	0	NA	16.67	NA	NA	NA	NA	NA	22.22	NA	
MR-3-02-2342	% Missed Repair Appointment – Central Office	0	NA	0	NA	NA	NA	NA	NA	14.29	NA	
MR-3-03-2342	% Missed Repair Appointment — CPE /TOK/FOK	8.57	NA	9.68	NA	NA	NA	NA	NA	13.92	NA	
MR-4 - Trouble Duration Intervals												
MR-4-01-2342	Mean Time To Repair – Total	33.55	NA	19.97	NA	NA	NA	NA	NA	24.2	NA	
MR-4-02-2342	Mean Time to Repair - Loop Trouble	49.91	NA	22.97	NA	NA	NA	NA	NA	24.91	NA	
MR-4-03-2342	Mean Time To Repair – Central Office Trouble	9.03	NA	13.96	NA	NA	NA	NA	NA	23.3	NA	
MR-4-07-2342	% Out of Service > 12 hours	75	NA	77.78	NA	NA	NA	NA	NA	81.25	NA	

DELAWARE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
MR-4-08-2342	% Out of Service > 24 Hours	25	NA	33.33	NA	NA	NA	NA	NA	37.5	NA	
MR-5 - Repeat Trouble Reports												
MR-5-01-2342	% Repeat Reports within 30 Days	80	NA	22.22	NA	NA	NA	NA	NA	31.25	NA	
Special Services - Maintenance												
MR-4 - Trouble Duration Intervals												
MR-4-01-2200	Mean Time To Repair – Total	3.49	NA	6.69	NA	4.76	NA	5.11	NA	5	3.77	5
MR-4-02-2200	Mean Time to Repair - Loop Trouble - Specials	4.08	NA	8.91	NA	5.29	NA	4.93	NA	6.79	6.18	5
MR-4-04-2200	% Cleared (all troubles) within 24 Hours	100	NA	97.56	NA	100	NA	100	NA	100	100	5
MR-4-06-2200	% Out of Service > 4 hours - Specials	28	NA	48.78	NA	36.17	NA	54.29	NA	56.41	50	5
MR-4-07-2200	% Out of Service > 12 hours - Specials	0	NA	4.88	NA	4.26	NA	2.86	NA	7.69	0	5
MR-4-08-2200	% Out of Service > 24 Hours - Specials	0	NA	2.44	NA	0	NA	0	NA	0	0	5
MR-5 - Repeat Trouble Reports												
MR-5-01-2200	% Repeat Reports within 30 Days	12	NA	9.76	NA	21.28	NA	8.57	NA	15.38	0	5
UNE (Ordering) - POTS/Special Services												
POTS Loop/Pre-Qualified Complex/LNP (combined data)												
OR-1 - Order Confirmation Timeliness												
OR-1-02-3331	% On Time LSRC - Flow Through		100		100		100		100		100	
OR-1-04-3331	% On Time LSRC < 10 Lines (Electronic - No Flow Through)		99.17		99.73		99.04		97.99		98.26	
OR-1-06-3331	% On Time LSRC >=10 Lines (Electronic - No Flow Through)		94.44		100		100		100		100	
OR-1-08-3331	% On Time LSRC < 10 Lines (Fax)		NA		NA		NA		NA		NA	
OR-1-10-3331	% On Time LSRC >= 10 Lines (Fax)		NA		NA		NA		NA		NA	
OR-2 - Reject Timeliness												
OR-2-02-3331	% On Time LSR Reject - Flow Through		100		100		100		100		100	
OR-2-04-3331	% On Time LSR Reject < 10 Lines (Electronic - No Flow Through)		97.75		100		100		100		100	
OR-2-06-3331	% On Time LSR Reject >= 10 Lines (Electronic - No Flow Through)		100		100		100		100		100	1,2,3

DELAWARE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
OR-2-08-3331	% On Time LSR Reject < 10 Lines (Fax)		NA		NA		NA		NA		NA	
OR-2-10-3331	% On Time LSR Reject >=10 Lines (Fax)		NA		NA		NA		NA		NA	
OR-7 - Confirmations/Rejects Sent within 3 Business Days												
OR-7-01-3331	% Order Confirmations/Rejects Sent Within 3 Business Days		100		100		100		97.22		100	
POTS Platform												
OR-1 - Order Confirmation Timeliness												
OR-1-02-3140	% On Time LSRC - Flow Through		100		100		100		100		100	
OR-1-04-3140	% On Time LSRC < 10 Lines (Electronic - No Flow Through)		100		99.05		99.03		97.32		100	
OR-1-06-3140	% On Time LSRC >=10 Lines (Electronic - No Flow Through)		100		100		96.67		100		100	4,5
OR-1-08-3140	% On Time LSRC < 10 Lines (Fax)		NA		NA		NA		NA		NA	
OR-1-10-3140	% On Time LSRC >= 10 Lines (Fax)		NA		NA		NA		NA		NA	
OR-2 - Reject Timeliness												
OR-2-02-3140	% On Time LSR Reject - Flow Through		100		100		100		100		100	
OR-2-04-3140	% On Time LSR Reject < 10 Lines (Electronic - No Flow Through)		98.48		98.55		98.82		98.36		100	
OR-2-06-3140	% On Time LSR Reject >= 10 Lines (Electronic - No Flow Through)		100		100		100		100		100	1,2,3,4,5
OR-2-08-3140	% On Time LSR Reject < 10 Lines (Fax)		NA		NA		NA		NA		NA	
OR-2-10-3140	% On Time LSR Reject >=10 Lines (Fax)		NA		NA		NA		NA		NA	
OR-7 - Confirmations/Rejects Sent within 3 Business Days												
OR-7-01-3140	% Order Confirmations/Rejects Sent Within 3 Business Days		100		100		100		100		100	2,3
Complex Services - 2 Wire Digital												
OR-1 - Order Confirmation Timeliness (requiring Loop Qualification)												
OR-1-04-3341	% On Time LSRC < 6 Lines (Electronic - No Flow Through)		100		100		100		100		100	2,3,4,5
OR-1-06-3341	% On Time LSRC >= 6 Lines (Electronic - No Flow Through)		NA		NA		NA		NA		NA	

DELAWARE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
OR-1-08-3341	% On Time LSRC < 6 Lines (Fax)		NA		NA		NA		NA		NA	
OR-1-10-3341	% On Time LSRC >= 6 Lines (Fax)		NA		NA		NA		NA		NA	
OR-2 - Reject Timeliness (requiring Loop Qualification)												
OR-2-04-3341	% On Time LSR Reject < 6 Lines (Electronic - No Flow Through)		100		100		100		100		NA	1,2,3,4
OR-2-06-3341	% On Time LSR Reject >= 6 Lines (Electronic - No Flow Through)		NA		NA		NA		NA		NA	
OR-2-08-3341	% On Time LSR Reject < 6 Lines (Fax)		NA		NA		NA		NA		NA	
OR-2-10-3341	% On Time LSR Reject >= 6 Lines (Fax)		NA		NA		NA		NA		NA	
Complex Services - 2 Wire xDSL												
OR-1 - Order Confirmation Timeliness (requiring Loop Qualification)												
OR-1-08-3342	% On Time LSRC < 6 Lines (Fax)		NA		NA		NA		NA		NA	
OR-1-10-3342	% On Time LSRC >= 6 Lines (Fax)		NA		NA		NA		NA		NA	
OR-2 - Reject Timeliness (requiring Loop Qualification)												
OR-2-08-3342	% On Time LSR Reject < 6 Lines (Fax)		NA		NA		NA		NA		NA	
OR-2-10-3342	% On Time LSR Reject >= 6 Lines (Fax)		NA		NA		NA		NA		NA	
Complex Services - 2 Wire xDSL Loops												
OR-1 - Order Confirmation Timeliness (requiring Loop Qualification)												
OR-1-04-3342	% On Time LSRC < 6 Lines (Electronic - No Flow Through)		75		100		100		100		100	1,3,4,5
OR-1-06-3342	% On Time LSRC >= 6 Lines (Electronic - No Flow Through)		NA		NA		NA		NA		NA	
OR-2 - Reject Timeliness (requiring Loop Qualification)												
OR-2-04-3342	% On Time LSR Reject < 6 Lines (Electronic - No Flow Through)		100		100		100		100		100	1,2,3,4,5
OR-2-06-3342	% On Time LSR Reject >= 6 Lines (Electronic - No Flow Through)		NA		NA		NA		NA		NA	
Complex Services - 2 Wire xDSL Line Sharing												
OR-1 - Order Confirmation Timeliness (requiring Loop Qualification)												
OR-1-04-3343	% On Time LSRC < 6 Lines (Electronic - No Flow Through)		NA		NA		100		NA		100	3,5

DELAWARE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
OR-1-06-3343	% On Time LSRC >= 6 Lines (Electronic - No Flow Through)		NA		NA		NA		NA		NA	
OR-2 - Reject Timeliness (requiring Loop Qualification)												
OR-2-04-3343	% On Time LSR Reject < 6 Lines (Electronic - No Flow Through)		NA		NA		100		NA		NA	3
OR-2-06-3343	% On Time LSR Reject >= 6 Lines (Electronic - No Flow Through)		NA		NA		NA		NA		NA	
Special Services												
OR-1 - Order Confirmation Timeliness												
OR-1-04-3214	% On Time LSRC < 10 Lines - Non-DS0, DS1, & DS3 (Electronic - No Flow Through)		NA		NA		NA		NA		NA	
OR-1-06-3210	% On Time LSRC >=10 Lines - DS0 (Electronic - No Flow Through)		NA		NA		NA		NA		NA	
OR-1-06-3211	% On Time LSRC >=10 Lines - DS1 (Electronic - No Flow Through)		NA		86.36		95.65		100		100	
OR-1-06-3213	% On Time LSRC >=10 Lines - DS3 (Electronic - No Flow Through)		NA		100		100		100		NA	2,3,4
OR-1-06-3214	% On Time LSRC >=10 Lines - Non-DS0, DS1, & DS3 (Electronic - No Flow Through)		NA		NA		NA		NA		NA	
OR-1-08-3214	% On Time LSRC < 10 Lines - Non DS0,DS1, & DS3 (Fax)		NA		NA		NA		NA		NA	
OR-1-10-3210	% On Time LSRC >= 10 Lines - DS0 (Fax)		NA		NA		NA		NA		NA	
OR-1-10-3211	% On Time LSRC >= 10 Lines - DS1 (Fax)		NA		NA		NA		NA		NA	
OR-1-10-3213	% On Time LSRC >= 10 Lines - DS3 (Fax)		NA		NA		NA		NA		NA	
OR-1-10-3214	% On Time LSRC >= 10 Lines - Non DS0,DS1, & DS3 (Fax)		NA		NA		NA		NA		NA	
OR-2 - Reject Timeliness												
OR-2-04-3214	% On Time LSR Reject < 10 Lines (Electronic - No Flow Through)		80		NA		NA		NA		NA	1

DELAWARE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
OR-2-06-3214	% On Time LSR Reject >= 10 Lines (Electronic - No Flow Through)		NA		100		94.44		100		100	5
OR-2-08-3214	% On Time LSR Reject < 10 Lines (Fax)		NA		NA		NA		NA		NA	
OR-2-10-3214	% On Time LSR Reject >=10 Lines (Fax)		NA		NA		NA		NA		NA	
POTS / Special Services - Aggregate												
OR-3 - Percent Rejects												
OR-3-01-3000	% Rejects		21.23		20.33		23.03		25.44		26.2	
OR-4 - Timeliness of Completion Notification												
OR-4-02-3000	Completion Notification - % On Time		100		100		100		100		99.72	
OR-5 - Percent Flow-Through												
OR-5-01-3000	% Flow Through - Total		64.73		58.28		61.22		62.29		63.07	
OR-5-02-3000	% Flow Through - Simple		64.73		58.48		62.18		63.22		65.04	
OR-6 - Order Accuracy												
OR-6-01-3000	% Accuracy - Orders		97.8		98		98.25		95.1		90.5	
OR-6-02-3000	% Accuracy - Opportunities		99.85		99.9		99.92		99.34		98.44	
OR-6-03-3000	% Accuracy – Local Service Request Confirmation		0.13		0		0		0.15		0	
UNE (Provisioning) - POTS/Special Services												
POTS - Provisioning												
PR-2 - Average Completed Interval												
PR-2-01-3111	Average Interval Completed – Total No Dispatch - Hot Cut Loop	1.02	5	1.05	6.45	1.13	5.24	1.21	5.1	1.2	5	
PR-2-01-3122	Average Interval Completed – Total No Dispatch - Other (Switch & INP)	1.44	NA	1.63	NA	1.77	NA	2.22	NA	1.66	NA	
PR-2-01-3140	Average Interval Completed – Total No Dispatch - Platform	1.44	1.59	1.63	1.5	1.77	1.46	2.22	1.35	1.66	0.91	
PR-2-03-3112	Average Interval Completed – Dispatch (1-5 Lines) - Loop	4.1	4.5	4.53	NA	4.64	3	4.29	3	3.94	4	1,3,4,5
PR-2-03-3140	Average Interval Completed – Dispatch (1-5 Lines) - Platform	4.1	NA	4.53	4.2	4.64	3	4.29	3	3.94	2	2,3,4,5

DELAWARE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PR-2-04-3112	Average Interval Completed - Dispatch (6-9 Lines) - Loop	8.38	NA	5.5	6	4.22	NA	8.67	6.33	5.42	NA	2,4
PR-2-04-3140	Average Interval Completed - Dispatch (6-9 Lines) - Platform	8.38	NA	5.5	NA	4.22	NA	8.67	3	5.42	NA	4
PR-2-05-3112	Average Interval Completed - Dispatch (>= 10 Lines) - Loop	4.5	NA	6.25	NA	6	NA	6.8	10	6.17	NA	4
PR-2-05-3140	Average Interval Completed - Dispatch (>= 10 Lines) - Platform	4.5	1	6.25	NA	6	NA	6.8	NA	6.17	NA	1
PR-4 - Missed Appointments												
PR-4-02-3100	Average Delay Days – Total	1.89	1.6	2.06	1.33	2.34	1.5	1.85	1.17	1.83	NA	1,2,3,4
PR-4-03-3100	% Missed Appointment – Customer		9.32		7.38		4.6		6.98		6.78	
PR-4-04-3113	% Missed Appointment – Verizon – Dispatch - Loop New	11.78	4.67	12.73	6.19	19	1.01	16.76	4.44	21.11	0	
PR-4-04-3140	% Missed Appointment – Verizon – Dispatch - Platform	11.78	0	12.73	0	19	0	16.76	0	21.11	0	1,3
PR-4-05-3123	% Missed Appointment – Verizon – No Dispatch - Other	0.05	0	0.05	0	0.08	0	0.03	0	0.12	0	
PR-4-05-3140	% Missed Appointment – Verizon – No Dispatch - Platform	0.05	0	0.05	0	0.08	0.22	0.03	0	0.12	0	
PR-4-07-3540	% On Time Performance - LNP		100		60		77.78		94.44		87.5	2,5
PR-6 - Installation Quality												
PR-6-01-3112	% Installation Troubles reported within 30 Days - Loop	1.78	5.2	2.04	5.88	1.95	4.55	1.95	NA	2.32	5.33	
PR-6-01-3140	% Installation Troubles reported within 30 Days - Platform	1.78	0.67	2.04	2.05	1.95	3.09	1.95	2.86	2.32	1.75	
PR-6-02-3112	% Installation Troubles reported within 7 Days - Loop	1.09	3.47	1.22	3.92	1.11	2.86	1.14	NA	1.39	2.56	
PR-6-02-3140	% Installation Troubles reported within 7 Days - Platform	1.09	0.33	1.22	1.23	1.11	1.49	1.14	1.25	1.39	0.44	
PR-6-03-3112	% Installation Troubles reported within 30 Days – FOK/TOK/CPE - Loop		1.73		3.57		2.47		NA		3.75	

DELAWARE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PR-6-03-3140	% Installation Troubles reported within 30 Days – FOK/TOK/CPE - Platform		1.11		1.09		1.17		1.43			
PR-8 - Open Orders in a Hold Status												
PR-8-01-3100	% Open Orders in a Hold Status > 30 Days	0	0	0	0	0	0	0	0	0	0	
PR-8-02-3100	% Open Orders in a Hold Status > 90 Days	0	0	0	0	0	0	0	0	0	0	
PR-9 - Hot Cuts												
PR-9-01-3520	% On Time Performance - Hot Cuts - Loop		99.6		NA		97.72		98.18		97.35	
Complex Services - 2 Wire Digital												
PR-2 - Average Completed Interval												
PR-2-01-3341	Average Interval Completed – Total No Dispatch	6	NA	6	NA	NA	NA	NA	NA	NA	NA	
PR-2-02-3341	Average Interval Completed – Total Dispatch	6	6	5	5.67	6	5.6	5.75	5.33	5.9	6	1,2,3,4,5
PR-4 - Missed Appointments												
PR-4-02-3341	Average Delay Days – Total	2	NA	10.83	NA	4.42	9	2	1	4.88	NA	3,4
PR-4-03-3341	% MA – Customer		23.08		0		7.69		0		25	2,5
PR-4-04-3341	% MA – VZ – Dispatch	0	0	4.12	0	14.29	0	1.49	0	0	0	2,4,5
PR-4-05-3341	% MA – VZ – No Dispatch	0	NA	2.56	NA	0	0	0	0	0	NA	3,4
PR-6 - Installation Quality												
PR-6-01-3341	% Installation Troubles reported within 30 Days	0	0	0	0	1.22	0	2.47	0	4.35	50	2,5
PR-6-03-3341	% Inst. Troubles reported w/ in 30 Days - FOK/TOK/CPE		0		25		0		0		0	2,5
PR-8 - Open Orders in a Hold Status												
PR-8-01-3341	% Open Orders in a Hold Status > 30 Days	0	0	0	0	0	0	0	0	0	0	2,5
PR-8-02-3341	% Open Orders in a Hold Status > 90 Days	0	0	0	0	0	0	0	0	0	0	2,5
Complex Services - 2 Wire xDSL Loops												
PR-2 - Average Completed Interval												
PR-2-01-3342	Average Interval Completed – Total No Dispatch		NA		NA		6		6		NA	3,4

DELAWARE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PR-2-02-3342	Average Interval Completed – Total Dispatch		5.25		5		5.63		6.24		5.75	1,2,3
PR-4 - Missed Appointments												
PR-4-02-3342	Average Delay Days – Total	NA	NA	NA	NA	NA	NA	NA	NA	4	NA	
PR-4-03-3342	% MA – Customer		0		6.67		15.38		2.7		13.64	
PR-4-04-3342	% MA – VZ – Dispatch		0		0		0		0		0	
PR-4-05-3342	% MA – VZ – No Dispatch	0	0	0.45	NA	0.16	0	0.63	0	0.89	NA	1,3,4
PR-4-14-3342	% Completed on Time		100		100		100		100		100	
PR-5 - Facility Missed Orders												
PR-6 - Installation Quality												
PR-6-01-3342	% Installation Troubles reported within 30 Days	1.78	0	2.04	0	1.95	0	1.96	0	2.34	0	1,2,3,5
PR-6-03-3342	% Inst. Troubles reported w/ in 30 Days - FOK/TOK/CPE		0		0		16.67		0		14.29	1,2,3,5
PR-8 - Open Orders in a Hold Status												
PR-8-01-3342	% Open Orders in a Hold Status > 30 Days	0	0	0	0	0	0	0	0	0	0	
PR-8-02-3342	% Open Orders in a Hold Status > 90 Days	0	0	0	0	0	0	0	0	0	0	
Complex Services - 2 Wire xDSL Line Sharing												
PR-2 - Average Completed Interval												
PR-2-01-3343	Average Interval Completed – Total No Dispatch	2.14	NA	2.33	2.6	3.01	2.67	3	2.33	3.02	2.75	2,3,4,5
PR-2-02-3343	Average Interval Completed – Total Dispatch	2.3	NA	2.78	NA	3	NA	2.95	NA	3	NA	
PR-4 - Missed Appointments												
PR-4-02-3343	Average Delay Days – Total	1	NA	1	NA	1	NA	1	NA	1	NA	
PR-4-03-3343	% MA – Customer		0		0		0		0		0	1,2,4,5
PR-4-04-3343	% MA – VZ – Dispatch	0	NA	0	NA	0	NA	0	NA	0	NA	
PR-4-05-3343	% MA – VZ – No Dispatch	0	0	0.45	0	0.16	0	0.63	0	0.89	0	1,2,4,5
PR-6 - Installation Quality												
PR-6-01-3343	% Installation Troubles reported within 30 Days	0.22	0	0.59	0	0	0	0.2	0	0.85	0	1,2,4,5

DELAWARE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PR-6-03-3343	% Inst. Troubles reported w/ in 30 Days - FOK/TOK/CPE		0		0		0		0		25	1,2,4,5
PR-8 - Open Orders in a Hold Status												
PR-8-01-3343	% Open Orders in a Hold Status > 30 Days	0	0	0	0	0	0	0	0	0	0	1,2,4,5
PR-8-02-3343	% Open Orders in a Hold Status > 90 Days	0	0	0	0	0	0	0	0	0	0	1,2,4,5
POTS & Complex Aggregate												
PR-2 - Average Completed Interval												
PR-2-10-3133	Average Interval Completed – Disconnects – No Dispatch	3.5	3.36	3.7	3.35	3.79	2.83	4.04	1.05	4.3	1.09	
PR-2-11-3133	Average Interval Completed – Disconnects – Dispatch	3.78	NA	2.33	NA	4.97	NA	4.34	NA	3.59	NA	
Special Services - Provisioning												
PR-2 - Average Completed Interval												
PR-2-01-3200	Average Interval Completed – Total No Dispatch	5.75	NA	6.4	NA	7.5	6.29	5.6	NA	7.6	1.5	3,5
PR-2-02-3200	Average Interval Completed – Total Dispatch	6	18.25	8.91	13.25	7.45	12	5.63	NA	7.79	14	1,2,3,5
PR-2-06-3210	Average Interval Completed - DS0	5.29	NA	11	NA	7.67	NA	5.08	10	7.25	NA	4
PR-2-07-3211	Average Interval Completed – DS1	6.44	18.25	7.71	13.25	7.38	12	6.5	NA	7.87	24	1,2,3,5
PR-2-08-3213	Average Interval Completed – DS3	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
PR-2-09-3510	Average Interval Completed – Total - EEL		NA		NA		NA		NA		NA	
PR-2-10-3200	Average Interval Completed – Disconnects – No Dispatch	6.71	13	4.17	3	4.65	2.22	9.67	NA	5.29	1	1,2,5
PR-2-11-3200	Average Interval Completed – Disconnects – Dispatch	4.5	NA	4.6	NA	5.71	3	13.38	NA	3	NA	3
PR-4 - Missed Appointments												
PR-4-01-3200	% MA – Verizon – Total	0	0	1.14	0	0	1	0	NA	2.33	2.86	1
PR-4-01-3510	% Missed Appointment – Verizon – Total - EEL	0	NA	1.14	NA	0	0	0	NA	2.33	NA	3
PR-4-01-3530	% Missed Appointment – Verizon – Total - IOF	0	NA	1.14	NA	0	0	0	0	2.33	NA	3,4

DELAWARE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PR-4-02-3200	Average Delay Days – Total	NA	NA	1	NA	NA	3	NA	NA	4	2	3,5
PR-4-02-3510	Average Delay Days – Total - EEL	NA	NA	1	NA	NA	NA	NA	NA	4	NA	
PR-4-02-3530	Average Delay Days – Total - IOF	NA	NA	1	NA	NA	NA	NA	NA	4	NA	
PR-4-03-3200	% Missed Appointment – Customer		0		0		1.98		NA		0	1
PR-4-03-3510	% Missed Appointment – Customer - EEL		NA		NA		0		NA		NA	3
PR-4-08-3200	% MA – Customer – Due to Late Order Confirmation		0		NA		0		NA		0	1
PR-6 - Installation Quality												
PR-6-01-3200	% Installation Troubles reported within 30 Days	5.38	0	2.75	4.17	5.33	0.21	0	NA	2	0.81	1
PR-6-03-3200	% Installation Troubles reported within 30 Days – FOK/TOK/CPE		12.5		4.17		0		NA		0	1
PR-8 - Open Orders in a Hold Status												
PR-8-01-3200	% Open Orders in a Hold Status > 30 Days	0	12.5	0	0	0	0	0	NA	0	0	1
PR-8-02-3200	% Open Orders in a Hold Status > 90 Days	0	0	0	0	0	0	0	NA	0	0	1
UNE (Maintenance) - POTS/Special Services												
POTS - Maintenance												
MR-2-02-3112	Network Trouble Report Rate – Loop	0.89	0.89	1.3	1.22	1.23	1.06	1.33	0.88	1.47	1.23	
MR-2-02-3140	Network Trouble Report Rate – Platform	0.89	0.27	1.3	0.88	1.23	0.95	1.33	0.62	1.47	0.49	
MR-2-03-3112	Network Trouble Report Rate – Central Office - Loop	0.09	0.07	0.09	0.06	0.07	0.06	0.06	0.05	0.14	0.04	
MR-2-03-3140	Network Trouble Report Rate – Central Office - Platform	0.09	0.33	0.09	0.25	0.07	0.39	0.06	0.17	0.14	0.06	
MR-2-04-3112	% Subsequent Reports - Loop		0		0		0		0		0	
MR-2-04-3140	% Subsequent Reports - Platform		0		0		3.33		2.38		9.38	
MR-2-05-3112	% CPE/TOK/FOK Trouble Report Rate - Loop	0.52	0.36	0.59	0.49	0.63	0.48	0.72	0.5	0.86	0.78	
MR-2-05-3140	% CPE/TOK/FOK Trouble Report Rate - Platform	0.52	0.66	0.59	0.6	0.63	0.53	0.72	0.56	0.86	0.66	
MR-3 - Missed Repair Appointments												

DELAWARE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
MR-3-01-3112	% Missed Repair Appointment - Loop - Loop	13.86	8.81	20.6	22.42	20.25	10.05	18.62	12.94	24.55	16.18	
MR-3-01-3140	% Missed Repair Appointment - Loop - Platform	13.86	40	20.6	20	20.25	26.83	18.62	25	24.55	30.77	1
MR-3-02-3112	% Missed Repair Appointment - Central Office - Loop	11.18	0	10.48	0	6.27	8.33	7.76	20	3.65	0	5
MR-3-02-3140	% Missed Repair Appointment - Central Office - Platform	11.18	16.67	10.48	0	6.27	5.88	7.76	11.11	3.65	0	1,2,5
MR-3-03-3112	% Missed Repair Appointment — CPE /TOK/FOK - Loop	8.13	6.15	8.79	4.49	11.87	8.79	9.33	6.25	12.6	9.15	
MR-3-03-3140	% Missed Repair Appointment — CPE /TOK/FOK - Platform	8.13	16.67	8.79	0	11.87	17.39	9.33	13.79	12.6	8.57	
MR-4 - Trouble Duration Intervals												
MR-4-01-3112	Mean Time To Repair – Total - Loop	17.85	17.71	19.1	20.43	19.8	19.2	19.94	19.03	21.93	21.43	
MR-4-01-3140	Mean Time To Repair – Total - Platform	17.85	13.11	19.1	15.13	19.8	15.3	19.94	11.63	21.93	12.05	
MR-4-02-3112	Mean Time to Repair - Loop Trouble - Loop	18.62	18.5	19.65	21.13	20.49	19	20.56	19.2	23.02	21.62	
MR-4-02-3140	Mean Time to Repair - Loop Trouble - Platform	18.62	20.3	19.65	17.68	20.49	17.52	20.56	12.02	23.02	13.1	1
MR-4-03-3112	Mean Time To Repair – Central Office Trouble - Loop	10.27	7.16	11.38	6.36	6.84	22.5	6.86	16.2	10.71	14.78	5
MR-4-03-3140	Mean Time To Repair – Central Office Trouble - Platform	10.27	7.11	11.38	6	6.84	9.94	6.86	10.25	10.71	2.95	1,2,5
MR-4-04-3112	% Cleared (all troubles) within 24 Hours - Loop	80.57	81.87	76.82	72.65	76.25	76.78	77.43	75	70.35	63.31	
MR-4-04-3140	% Cleared (all troubles) within 24 Hours - Platform	80.57	81.82	76.82	90.63	76.25	82.76	77.43	90.24	70.35	93.1	
MR-4-06-3140	% Out of Service > 4 hours - Platform	74.28	100	83.53	85.19	80.42	76.92	81.38	67.86	86.67	78.95	1
MR-4-07-3112	% Out of Service > 12 hours - Loop	54.8	62.16	64.92	77.59	59.1	68.35	59.02	69.75	66.7	73.41	
MR-4-07-3140	% Out of Service > 12 hours - Platform	54.8	66.67	64.92	59.26	59.1	58.97	59.02	39.29	66.7	52.63	1
MR-4-08-3112	% Out of Service > 24 Hours - Loop	11.53	14.41	17.75	29.31	15.63	23.02	14.06	21.85	23.28	34.1	

DELAWARE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
MR-4-08-3140	% Out of Service > 24 Hours - Platform	11.53	0	17.75	11.11	15.63	17.95	14.06	10.71	23.28	10.53	1
MR-5 - Repeat Trouble Reports												
MR-5-01-3112	% Repeat Reports within 30 Days - Loop	12.98	17.54	12.83	17.95	14.02	15.64	13.45	21.11	13.85	19.76	
MR-5-01-3140	% Repeat Reports within 30 Days - Platform	12.98	18.18	12.83	6.25	14.02	15.52	13.45	9.76	13.85	10.34	
Complex Services - 2 Wire Digital												
MR-2 - Trouble Report Rate												
MR-2-02-3341	Network Trouble Report Rate – Loop	0.45	0.4	0.38	0.41	0.66	0.2	0.36	0.41	0.45	0.84	
MR-2-03-3341	Network Trouble Report Rate – Central Office	0.05	0	0.1	0	0	0	0.23	0	0.1	0	
MR-2-04-3341	% Subsequent Reports		0		0		0		0		0	1,2,3,4,5
MR-3 - Missed Repair Appointments												
MR-3-01-3341	% Missed Repair Appointment – Loop	50	0	53.33	0	53.85	0	42.86	0	61.11	25	1,2,3,4,5
MR-3-02-3341	% Missed Repair Appointment – Central Office	0	NA	0	NA	NA	NA	22.22	NA	25	NA	
MR-4 - Trouble Duration Intervals												
MR-4-01-3341	Mean Time To Repair – Total	19.34	56.69	20.46	3.02	52.63	2.22	25.02	13.09	33.76	13.94	1,2,3,4,5
MR-4-02-3341	Mean Time to Repair - Loop Trouble	20.36	56.69	20.63	3.02	52.63	2.22	33.01	13.09	38.7	13.94	1,2,3,4,5
MR-4-03-3341	Mean Time To Repair – Central Office Trouble	10.14	NA	19.82	NA	NA	NA	12.59	NA	11.53	NA	
MR-4-07-3341	% Out of Service > 12 hours	55.56	100	80	0	66.67	0	61.54	50	71.43	33.33	1,2,3,4,5
MR-4-08-3341	% Out of Service > 24 Hours	33.33	50	60	0	41.67	0	30.77	0	57.14	0	1,2,3,4,5
MR-5 - Repeat Trouble Reports												
MR-5-01-3341	% Repeat Reports within 30 Days	35	0	21.05	0	15.38	0	21.74	50	27.27	0	1,2,3,4,5
Complex Services - 2 Wire xDSL Loops												
MR-2 - Trouble Report Rate												
MR-2-02-3342	Network Trouble Report Rate – Loop	0.06	0.38	0.09	0.63	0	0.88	0	0	0.13	0.74	
MR-2-03-3342	Network Trouble Report Rate – Central Office	0.02	0	0.02	0.13	0	0	0	0	0.06	0.12	
MR-3 - Missed Repair Appointments												
MR-3-01-3342	% Missed Repair Appointment – Loop	0	0	16.67	20	NA	0	NA	NA	22.22	16.67	1,2,3,5

DELAWARE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
MR-3-02-3342	% Missed Repair Appointment – Central Office	0	NA	0	0	NA	NA	NA	NA	14.29	0	2,5
MR-4 - Trouble Duration Intervals												
MR-4-02-3342	Mean Time to Repair - Loop Trouble	49.91	19.18	22.97	25.97	NA	16.44	NA	NA	24.91	26.19	1,2,3,5
MR-4-03-3342	Mean Time To Repair – Central Office Trouble	9.03	NA	13.96	24.87	NA	NA	NA	NA	23.3	2	2,5
MR-4-07-3342	% Out of Service > 12 hours	75	75	77.78	75	NA	66.67	NA	NA	81.25	50	1,2,3,5
MR-4-08-3342	% Out of Service > 24 Hours	25	25	33.33	50	NA	50	NA	NA	37.5	50	1,2,3,5
MR-5 - Repeat Trouble Reports												
MR-5-01-3342	% Repeat Reports within 30 Days	80	0	22.22	0	NA	42.86	NA	NA	31.25	14.29	1,2,3,5
Complex Services - 2 Wire xDSL Line Sharing												
MR-2 - Trouble Report Rate												
MR-2-02-3343	Network Trouble Report Rate – Loop	0.06	0	0.09	0	0	0	0	0	0.13	0	
MR-2-03-3343	Network Trouble Report Rate – Central Office	0.02	0	0.02	0	0	0	0	0	0.06	0	
MR-3 - Missed Repair Appointments												
MR-3-01-3343	% Missed Repair Appointment – Loop	0	NA	16.67	NA	NA	NA	NA	NA	22.22	NA	
MR-3-02-3343	% Missed Repair Appointment – Central Office	0	NA	0	NA	NA	NA	NA	NA	14.29	NA	
MR-4 - Trouble Duration Intervals												
MR-4-02-3343	Mean Time to Repair - Loop Trouble	49.91	NA	22.97	NA	NA	NA	NA	NA	24.91	NA	
MR-4-03-3343	Mean Time To Repair – Central Office Trouble	9.03	NA	13.96	NA	NA	NA	NA	NA	23.3	NA	
MR-4-04-3343	% Cleared (all troubles) within 24 Hours	60	NA	66.67	NA	NA	NA	NA	NA	62.5	NA	
MR-4-07-3343	% Out of Service > 12 hours	75	NA	77.78	NA	NA	NA	NA	NA	81.25	NA	
MR-4-08-3343	% Out of Service > 24 Hours	25	NA	33.33	NA	NA	NA	NA	NA	37.5	NA	
MR-5 - Repeat Trouble Reports												
MR-5-01-3343	% Repeat Reports within 30 Days	80	NA	22.22	NA	NA	NA	NA	NA	31.25	NA	
Special Services - Maintenance												
MR-2 - Trouble Report Rate												
MR-2-01-3200	Network Trouble Report Rate	0.1	1.28	0.16	1.65	0.18	1.76	0.13	3.16	0.15	4.04	

DELAWARE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
MR-2-05-3200	% CPE/TOK/FOK Trouble Report Rate	0.21	1.99	0.2	0.83	0.28	1.35	0.26	2.95	0.25	3.19	
MR-4 - Trouble Duration Intervals												
MR-4-01-3200	Mean Time To Repair – Total	3.49	6.95	6.69	6.94	4.76	5.87	5.11	5.03	5	5.98	
MR-4-02-3200	Mean Time to Repair - Loop Trouble	4.08	8.1	8.91	6.94	5.29	6.04	4.93	5.03	6.79	5.36	1
MR-4-04-3200	% Cleared (all troubles) within 24 Hours	100	100	97.56	100	100	100	100	100	100	94.74	
MR-4-06-3200	% Out of Service > 4 hours	28	75	48.78	91.67	36.17	63.64	54.29	66.67	56.41	62.5	1
MR-4-07-3200	% Out of Service > 12 hours	0	12.5	4.88	8.33	4.26	9.09	2.86	0	7.69	6.25	1
MR-4-08-3200	% Out of Service > 24 Hours	0	0	2.44	0	0	0	0	0	0	6.25	1
MR-5 - Repeat Trouble Reports												
MR-5-01-3200	% Repeat Reports within 30 Days	12	22.22	9.76	16.67	21.28	15.38	8.57	6.67	15.38	21.05	
Trunks (Aggregate) - POTS/Special Services												
ORDERING												
OR 1 - Order Confirmation Timeliness												
OR-1-11-5020	Average Firm Order Confirmation (FOC) Time <=192 Forecasted Trunks		NA		NA		NA		NA		0	
OR-1-12-5020	% On Time FOC <= 192 Forecasted Trunks		NA		NA		NA		NA		100	5
OR-1-13-5000	% On Time Design Layout Record (DLR)		NA		NA		NA		NA		NA	
OR-2 - Reject Timeliness												
OR-2-11-5020	Average Trunk ASR Reject Time <= 192 Forecasted Trunks		NA		NA		NA		NA		NA	
OR-2-12-5020	% On Time Trunk ASR Reject <= 192 Forecasted Trunks		NA		NA		NA		NA		NA	
PROVISIONING												
PR-2 - Average Interval Completed												
PR-2-09-5020	Average Interval Completed – Total <= 192 Forecasted Trunks	8	NA	NA	NA	8	NA	NA	NA	15	NA	
PR-2-09-5030	Average Interval Completed – Total > 192 Forecasted & Unforecasted	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
PR-4 - Missed Appointment												

DELAWARE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PR-4-01-5000	% Missed Appointment – Verizon – Total	0	0	0	0	0	NA	NA	NA	0	NA	
PR-4-02-5000	Average Delay Days – Total	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
PR-4-03-5000	% Missed Appointment – Customer		0		90.91		NA		NA		NA	
PR-5 - Facility Missed Orders												
PR-5-01-5000	% Missed Appointment – Verizon – Facilities	0	0	0	0	0	NA	NA	NA	0	NA	
PR-5-02-5000	% Orders Held for Facilities > 15 Days	0	0	0	0	0	NA	NA	NA	0	NA	
PR-5-03-5000	% Orders Held for Facilities > 60 Days	0	0	0	0	0	NA	NA	NA	0	NA	
PR-6 - Installation Quality												
PR-6-01-5000	% Installation Troubles reported within 30 Days	0	0	0	0	0	NA	NA	NA	0	NA	
PR-6-03-5000	% Inst. Troubles reported within 30 Days - FOK/TOK/CPE		0		0		NA		NA		NA	
MAINTENANCE												
MR-2 - Trouble Report Rate												
MR-2-01-5000	Network Trouble Report Rate – Total	0	0	0	0	0	0	0.02	0	0.01	0	
MR-4 - Trouble Duration Intervals												
MR-4-01-5000	Mean Time To Repair – Total	NA	NA	NA	NA	NA	NA	60.21	NA	0.48	NA	
MR-4-04-5000	% Cleared (all troubles) within 24 Hours	NA	NA	NA	NA	NA	NA	66.67	NA	100	NA	
MR-4-05-5000	% Out of Service > 2 Hours	NA	NA	NA	NA	NA	NA	33.33	NA	0	NA	
MR-4-06-5000	% Out of Service > 4 hours	NA	NA	NA	NA	NA	NA	33.33	NA	0	NA	
MR-4-07-5000	% Out of Service > 12 hours	NA	NA	NA	NA	NA	NA	33.33	NA	0	NA	
MR-4-08-5000	% Out of Service > 24 Hours	NA	NA	NA	NA	NA	NA	33.33	NA	0	NA	
MR-5 - Repeat Trouble Report Rates												
MR-5-01-5000	% Repeat Reports within 30 Days	NA	NA	NA	NA	NA	NA	0	NA	0	NA	

DELAWARE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
NETWORK PERFORMANCE												
NP-1 - Percent Final Trunk Group Blockage												
NP-1-01-5400	% FTG Exceeding Blocking Standard - Dedicated Final Trunks											
NP-1-02-5400	% FTG Exceeding Blocking Standard (No Exceptions) - Dedicated Final Trunks											
NP-1-03-5400	Number Dedicated FTG Exceeding Blocking Standard – 2 Months											
NP-1-04-5400	Number Dedicated FTG Exceeding Blocking Standard – 3 Months											
NP-2 - Collocation Performance - New												
NP-2-01-6701	% On Time Response to Request for Physical Collocation		NA		NA		NA		NA		NA	
NP-2-02-6701	% On Time Response to Request for Virtual Collocation		NA		NA		NA		NA		NA	
NP-2-03-6701	Average Interval – Physical Collocation		70		NA		66		NA		NA	
NP-2-04-6701	Average Interval – Virtual Collocation		NA		NA		NA		NA		NA	
NP-2-05-6701	% On Time – Physical Collocation		100		NA		100		NA		NA	1,3
NP-2-06-6701	% On Time – Virtual Collocation		NA		NA		NA		NA		NA	
NP-2-07-6701	Average Delay Days – Physical Collocation		NA		NA		NA		NA		NA	
NP-2-08-6701	Average Delay Days – Virtual Collocation		NA		NA		NA		NA		NA	
NP-2 - Collocation Performance - Augment												
NP-2-01-6702	% On Time Response to Request for Physical Collocation		NA		100		100		100		NA	2,3,4
NP-2-02-6702	% On Time Response to Request for Virtual Collocation		NA		100		NA		NA		NA	2

DELAWARE PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
NP-2-03-6702	Average Interval – Physical Collocation		22		NA		14		36		NA	
NP-2-04-6702	Average Interval – Virtual Collocation		NA		NA		6		NA		NA	
NP-2-05-6702	% On Time – Physical Collocation		100		NA		100		100		NA	1,3,4
NP-2-06-6702	% On Time – Virtual Collocation		NA		NA		100		NA		NA	3
NP-2-07-6702	Average Delay Days – Physical Collocation		NA		NA		NA		NA		NA	
NP-2-08-6702	Average Delay Days – Virtual Collocation		NA		NA		NA		NA		NA	

Abbreviations: NA = No Activity.
UD = Under Development.
NEF = No Existing Functionality
blank cell = No data provided.
VZ = Verizon retail analog. If no data was provided, the metric may have a benchmark.

Notes: 1 = Sample Size under 10 for February.
2 = Sample Size under 10 for March.
3 = Sample Size under 10 for April.
4 = Sample Size under 10 for May.
5 = Sample Size under 10 for June.

Appendix E

Pennsylvania Performance Metrics

All data included here are taken from the Pennsylvania Carrier-to-Carrier Reports. This table is provided as a reference tool for the convenience of the reader. No conclusions are to be drawn from the raw data contained in this table. Our analysis is based on the totality of the circumstances, such that we may use non-metric evidence, and may rely more heavily on some metrics more than others, in making our determination. The inclusion of these particular metrics in this table does not necessarily mean that we relied on all of these metrics nor that other metrics may not also be important in our analysis. Some metrics that we have relied on in the past and may rely on for a future application were not included here because there was no data provided for them (usually either because there was no activity, or because the metrics are still under development). Metrics with no retail analog provided are usually compared with a benchmark. Note that for some metrics during the period provided, there may be changes in the metric definition, or changes in the retail analog applied, making it difficult to compare the data over time.

PERFORMANCE METRICS CATAGORIES

Metric Number	Metric Name
Preorder and OSS Availability:	
OR-1-02	% On Time LSRC - Flow Through
OR-1-04	% On Time LSRC (Electronic - No Flow Through)
OR-1-06	% On Time LSRC (Electronic - No Flow Through)
OR-1-08	% On Time LSRC (Fax)
OR-1-10	% On Time LSRC Lines (Fax)
OR-1-11	Average Firm Order Confirmation (FOC) Time <=192 Forecasted Trunks
OR-1-12	% On Time FOC <= 192 Forecasted Trunks
OR-1-13	% On Time Design Layout Record (DLR)
PO-1-01	Average Response Time – Customer Service Record
PO-1-02	Average Response Time - Due Date Availability
PO-1-03	Average Response Time - Address Validation
PO-1-04	Average Response Time - Product and Service Availability
PO-1-05	Average Response Time - Telephone Number Availability and Reservation
PO-1-06	Average Response Time - Facility Availability - (ADSL Loop Qualification)
PO-1-07	Average Response Time - Rejected Query
PO-2-01	OSS Interface Availability – Total - Electronic Bonding - Maintenance
PO-2-02	OSS Interface Availability – Prime Time - EDI - Pre-Ordering
PO-2-03	OSS Interface Availability – Non-Prime Time - Electronic Bonding - Maintenance
PO-3-02	% Answered within 20 Seconds – Ordering
PO-3-04	% Answered within 20 Seconds – Repair
PO-5-01	Average Notice of Interface Outage
PO-8-01	% On Time - Manual Loop Qualification
PO-8-02	% On Time - Engineering Record Request
MR-1-01	Average Response Time - Create Trouble - Electronic Bonding

Metric Number	Metric Name
Provisioning:	
PR-2-01	Average Interval Completed – Total No Dispatch
PR-2-02	Average Interval Completed – Total Dispatch
PR-2-03	Average Interval Completed – Dispatch (1-5 Lines)
PR-2-04	Average Interval Completed - Dispatch (6-9 Lines)
PR-2-05	Average Interval Completed - Dispatch (>= 10 Lines)
PR-2-06	Average Interval Completed - DS0
PR-2-07	Average Interval Completed – DS1
PR-2-08	Average Interval Completed – DS3
PR-2-09	Average Interval Completed – Total
PR-4-01	% Missed Appt. – VZ – Total
PR-4-02	Average Delay Days – Total
PR-4-03	% Missed Appt. – Customer
PR-4-04	% Missed Appt. – VZ – Dispatch
PR-4-05	% Missed Appt. – VZ – No Dispatch
PR-4-07	% On Time Performance - LNP
PR-4-08	% Missed Appt. – Customer – Due to Late Order Confirmation
PR-4-14	% Completed on Time
PR-5-01	% Missed Appointment – Verizon – Facilities
PR-5-02	% Orders Held for Facilities > 15 Days
PR-5-03	% Orders Held for Facilities > 60 Days
PR-6-01	% Installation Troubles reported within 30 Days
PR-6-02	% Installation Troubles reported within 7 Days
PR-6-03	% Inst. Troubles reported w/ in 30 Days - FOK/TOK/CPE
PR-8-01	% Open Orders in a Hold Status > 30 Days

PERFORMANCE METRICS CATAGORIES

Metric Number	Metric Name
MR-1-02	Average Response Time - Status Trouble - Electronic Bonding
MR-1-03	Average Response Time - Modify Trouble - Electronic Bonding
MR-1-04	Average Response Time - Request Cancellation of Trouble - Electronic Bonding
MR-1-05	Average Response Time - Trouble Report History (by TN/Circuit) - Electronic Bonding
MR-1-06	Average Response Time - Test Trouble (POTS Only) - Electronic Bonding
Change Management, Billing, OS/DA, Interconnection and Collocation:	
BI-1-02	% DUF in 4 Business Days
BI-2-01	Timeliness of Carrier Bill - Paper Bills
BI-2-02	Timeliness of Carrier Bill - Electronic Bills - BOS BDT format
BI-3-01	% Billing Adjustments - Paper Bills (CRIS & CABS combined)
BI-3-03	% Billing Adjustments - Electronic Bills - BOS BDT format
NP-1-01	% FTG Exceeding Blocking Standard - Final Trunks
NP-1-02	% FTG Exceeding Blocking Standard (No Exceptions) - Final Trunks
NP-1-03	Number Dedicated FTG Exceeding Blocking Standard – 2 Months
NP-1-04	Number Dedicated FTG Exceeding Blocking Standard – 3 Months
Ordering:	
OR-2-02	% On Time LSR Reject - Flow Through
OR-2-04	% On Time LSR Reject (Electronic - No Flow Through)
OR-2-06	% On Time LSR Reject (Electronic - No Flow Through)
OR-2-08	% On Time LSR Reject (Fax)
OR-2-10	% On Time LSR Reject (Fax)

Metric Number	Metric Name
PR-8-02	% Open Orders in a Hold Status > 90 Days
PR-9-01	% On Time Performance - Hot Cuts - Loop
PR-2-10	Average Interval Completed – Disconnects – No Dispatch
PR-2-11	Average Interval Completed – Disconnects – Dispatch
Maintenance and Repair:	
MR-2-01	Network Trouble Report Rate
MR-2-02	Network Trouble Report Rate – Loop
MR-2-03	Network Trouble Report Rate – Central Office
MR-2-04	% Subsequent Reports
MR-2-05	% CPE/TOK/FOK Trouble Report Rate
MR-3-01	% Missed Repair Appointment – Loop
MR-3-02	% Missed Repair Appointment – Central Office
MR-3-03	% Missed Repair Appointment — CPE /TOK/FOK
MR-4-01	Mean Time To Repair – Total
MR-4-02	Mean Time to Repair - Loop Trouble
MR-4-03	Mean Time To Repair – Central Office Trouble
MR-4-04	% Cleared (all troubles) within 24 Hours
MR-4-05	% Out of Service > 2 Hours
MR-4-06	% Out of Service > 4 hours
MR-4-07	% Out of Service > 12 hours

PERFORMANCE METRICS CATAGORIES

Metric Number	Metric Name
OR-2-11	Average Trunk ASR Reject Time <= 192 Forecasted Trunks
OR-2-12	% On Time Trunk ASR Reject <= 192 Forecasted Trunks
OR-3-01	% Rejects
OR-4-02	Completion Notice – % On Time
OR-5-01	% Flow Through - Total
OR-5-02	% Flow Through - Simple
OR-6-01	% Accuracy - Orders
OR-6-02	% Accuracy – Opportunities
OR-6-03	% Accuracy – Local Service Confirmation
OR-7-01	% Order Confirmations/Rejects Sent Within 3 Business Days

Metric Number	Metric Name
MR-4-08	% Out of Service > 24 Hours
MR-5-01	% Repeat Reports within 30 Days

PENNSYLVANIA PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
OSS & BILLING (Pre-Ordering) - POTS/Special Services												
PRE-ORDERING												
PO-1 - Response Time OSS Pre-Ordering Interface												
PO-1-01-6022	Average Response Time – Customer Service Record – EDI – PA/DE	0.34	3.08	0.38	3.41	0.33	3.67	0.33	3.45	0.35	2.97	
PO-1-01-6052	Average Response Time – Customer Service Record – Web GUI – PA/DE	0.34	2.44	0.38	2.61	0.33	2.36	0.33	4.03	0.35	2.4	
PO-1-02-6022	Average Response Time – Due Date Availability – EDI – PA/DE	0.89	3.45	0.93	5.3	0.84	3.88	1.01	3.89	0.99	4.12	
PO-1-02-6052	Average Response Time – Due Date Availability – Web GUI – PA/DE	0.89	3.27	0.93	3.39	0.84	3.1	1.01	5.12	0.99	3.51	
PO-1-03-6022	Average Response Time – Address Validation – EDI – PA/DE	9.18	5.02	8.8	4.99	8.76	5.44	9.02	5.49	8.17	5.27	
PO-1-03-6052	Average Response Time – Address Validation – Web GUI – PA/DE	9.18	5.66	8.8	5.98	8.76	5.63	9.02	7.64	8.17	6.36	
PO-1-04-6022	Average Response Time – Product and Service Availability – EDI – PA/DE	13.91	NA	13.49	NA	13.65	14.28	14.09	13.19	13.22	13.28	
PO-1-04-6052	Average Response Time – Product and Service Availability – Web GUI – PA/DE	13.91	13.28	13.49	14.34	13.65	13.55	14.09	16.32	13.22	18.51	
PO-1-05-6022	Average Response Time – Telephone Number Availability and Reservation – EDI – PA/DE	0.82	10.61	0.75	8.17	0.76	6.78	0.82	6.73	0.8	5.38	
PO-1-05-6052	Average Response Time – Telephone Number Availability and Reservation – Web GUI – PA/DE	0.82	6.75	0.75	6.82	0.76	6.73	0.82	8.6	0.8	7.32	
PO-1-06-6022	Average Response Time – Facility Availability – (ADSL Loop Qualification) – EDI – PA/DE	15.19	4.62	15.4	4.2	15.51	5.43	16.63	6.03	15.59	5.31	
PO-1-06-6052	Average Response Time – Facility Availability – (ADSL Loop Qualification) – Web GUI – PA/DE	15.19	4.46	15.4	4.69	15.51	4.41	16.63	7.01	15.59	5.04	
PO-1-07-6022	Average Response Time – Rejected Query – EDI – PA/DE	0.1	2.85	0.11	3.07	0.09	3.31	0.1	3.26	0.11	3.38	

PENNSYLVANIA PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PO-1-07-6052	Average Response Time – Rejected Query – Web GUI – PA/DE	0.1	3.67	0.11	4.08	0.09	3.63	0.1	5.33	0.11	3.82	
PO-2 - OSS Interface Availability												
PO-2-01-6060	OSS Interface Availability – Total – Electronic Bonding – Maintenance – PA		100		100		100		100		100	
PO-2-01-6040	OSS Interface Availability – Total – Web – GUI Maintenance – PA		99.75		99.72		99.28		99.98		99.75	1,3,5
PO-2-02-6020	OSS Interface Availability – Prime Time – EDI – Pre–Ordering – PA		99.72		100		100		100		99.79	1,5
PO-2-02-6060	OSS Interface Availability – Prime Time – Electronic Bonding – Maintenance – PA		100		100		100		100		100	
PO-2-02-6040	OSS Interface Availability – Prime Time – Web GUI – Maintenance – PA		99.61		99.55		99.93		100		99.64	1,5
PO-2-02-6050	OSS Interface Availability – Prime Time – Web GUI – Pre–Ordering – PA		99.56		99.65		99.92		100		99.6	1,5
PO-2-03-6060	OSS Interface Availability – Non–Prime Time – Electronic Bonding – Maintenance – PA		100		100		100		100		100	
PO-2-03-6040	OSS Interface Availability – Non–Prime Time – Web GUI – Maintenance – PA		100		100		98.08		99.94		99.94	3
PO-3 - Contact Center Availability												
PO-3-02-2004	% Answered within 20 Seconds – Ordering – Pittsburgh		92.87		92.37		91.48		89.45			
PO-3-04-2002	% Answered within 20 Seconds – Repair – Richmond		87.2		86.71		85.6		86.4		86.2	
PO-5 - Average Notification of Interface Outage												
PO-5-01-2030	Average Notice of Interface Outage		15		15		NA		NA		20	1,5
PO-8 - Manual Loop Qualification												
PO-8-01-3300	% On Time – Manual Loop Qualification		80		0		100		100		NA	1,3,4
PO-8-02-3300	% On Time – Engineering Record Request		NA		NA		NA		NA		NA	
TROUBLE REPORTING (OSS)												
MR-1 - Response Time OSS Maintenance Interface												
MR-1-01-6060	Average Response Time – Create Trouble – Electronic Bonding	8.37	12.67	8.5	13.79	8.45	14.85	8.82	16.7	8.65	15.65	

PENNSYLVANIA PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
MR-1-01-6040	Average Response Time – Create Trouble – Web GUI	8.37	3.61	8.5	3.59	8.45	3.63	8.82	3.69	8.65	3.67	
MR-1-02-6060	Average Response Time – Status Trouble – Electronic Bonding	4.14	0.22	4.31	0.19	4.44	0.2	4.42	0.21	4.06	0.32	
MR-1-02-6040	Average Response Time – Status Trouble – Web GUI	4.14	2.8	4.31	2.28	4.44	2.28	4.42	3.49	4.06	2.57	
MR-1-03-6060	Average Response Time – Modify Trouble – Electronic Bonding	8.09	7.83	8.25	8.51	8.17	7.88	8.53	12.58	8.42	6.63	
MR-1-03-6040	Average Response Time – Modify Trouble – Web GUI	8.09	8.1	8.25	7.96	8.17	5.47	8.53	4.34	8.42	5.99	1,3,4,5
MR-1-04-6060	Average Response Time – Request Cancellation of Trouble – Electronic Bonding	9.45	9.94	9.63	14.77	9.56	na	NA	0	9.82	3.88	1,5
MR-1-04-6040	Average Response Time – Request Cancellation of Trouble – Web GUI	9.45	4.49	9.63	2.08	9.56	5.47	9.89	5.13	9.82	4.21	
MR-1-05-6060	Average Response Time – Trouble Report History (by TN/Circuit) – Electronic Bonding	NEF	NEF	NEF	NEF	NEF	NEF	NEF	NEF	NEF	NEF	
MR-1-05-6040	Average Response Time – Trouble Report History (by TN/Circuit) – Web GUI	0.49	1.07	0.5	0.93	0.5	0.91	0.5	0.96	0.55	1.1	
MR-1-06-6060	Average Response Time – Test Trouble (POTS Only) – Electronic Bonding	51.12	55.3	52.39	65.95	52.19	58.99	51.1	55.9	52.24	60.11	
MR-1-06-6040	Average Response Time – Test Trouble (POTS Only) – Web Gui	51.12	41.81	52.39	42.78	52.19	44.06	51.1	41.67	52.24	47.59	
BILLING												
BI-1 - Timeliness of Daily Usage Feed												
BI-1-02-2030	% DUF in 4 Business Days		99.22		99.29		99.43		99.43		99.39	
BI-2-01-2030	Timeliness of Carrier Bill - Paper Bills		100		100		100		100		100	
BI-2 - Timeliness of Carrier Bill												
BI-2-02-2030	Timeliness of Carrier Bill - Electronic Bills - BOS format		100		100		100		100		100	
BI-3 - Billing Accuracy												
BI-3-01-2030	% Billing Adjustments	0.99	1.13	1.54	0.45	11.68	0.34	1.86	3.08	2.15	1.04	

PENNSYLVANIA PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
BI-3-03-2030	% Billing Adjustments - Electronic Bills - BOS format	0.99	0.52	1.54	0.27	11.68	0.03	1.86	0.09	2.15	0.15	
Resale (Ordering) - POTS/Special Services												
POTS/ Pre-Qualified Complex (combined data)												
OR-1 - Order Confirmation Timeliness												
OR-1-02-2320	% On Time LSRC – Flow–Through		99.92		99.92		100		99.84		99.18	
OR-1-04-2320	% On Time LSRC < 10 Lines – Electronic (No Flow–Through)		99.81		99.93		99.89		99.94		99.39	
OR-1-06-2320	% On Time LSRC >=10 Lines – Electronic		100		100		100		100		100	
OR-1-08-2320	% On Time LSRC < 10 Lines – Fax		NA		NA		NA		NA		NA	
OR-1-10-2320	% On Time LSRC >= 10 Lines – Fax		NA		NA		NA		NA		NA	
OR-2 - Reject Timeliness												
OR-2-02-2320	% On Time LSR Reject – Flow–Through		100		99.9		100		100		100	
OR-2-04-2320	% On Time LSR Reject < 10 Lines – Electronic (No Flow–Through)		99.9		100		100		99.81		100	
OR-2-06-2320	% On Time LSR Reject >= 10 Lines – Electronic		100		100		100		100		100	
OR-2-08-2320	% On Time LSR Reject < 10 Lines – Fax		NA		NA		NA		NA		NA	
OR-2-10-2320	% On Time LSR Reject >=10 Lines – Fax		NA		NA		NA		NA		NA	
OR-7 - Confirmations/Rejects Sent within 3 Business Days												
Complex Services - 2 Wire Digital												
OR-1 - Order Confirmation Timeliness												
OR-1-04-2341	% On Time LSRC < 6 Lines – Electronic		100		100		100		100		100	
OR-1-06-2341	% On Time LSRC >= 6 Lines – Electronic		NA		100		NA		100		NA	2,4
OR-1-08-2341	% On Time LSRC < 6 Lines – Fax		NA		NA		NA		NA		NA	
OR-1-10-2341	% On Time LSRC >= 6 Lines – Fax		NA		NA		NA		NA		NA	
OR-2 - Reject Timeliness - Requiring Loop Qualification												
OR-2-04-2341	% On Time LSR Reject < 6 Lines – Electronic		100		100		100		100		100	1,5
OR-2-06-2341	% On Time LSR Reject >= 6 Lines – Electronic		NA		100		100		NA		NA	2,3
OR-2-08-2341	% On Time LSR Reject < 6 Lines – Fax		NA		NA		NA		NA		NA	

PENNSYLVANIA PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
OR-2-10-2341	% On Time LSR Reject >= 6 Lines – Fax		NA		NA		NA		NA		NA	
Complex Services - 2 Wire xDSL												
OR-1 - Order Confirmation Timeliness												
OR-1-04-2342	% On Time LSRC < 6 Lines – Electronic		NA		NA		NA		NA		NA	
OR-1-06-2342	% On Time LSRC >= 6 Lines – Electronic		NA		NA		NA		NA		NA	
OR-1-08-2342	% On Time LSRC < 6 Lines – Fax		NA		NA		NA		NA		NA	
OR-1-10-2342	% On Time LSRC >= 6 Lines – Fax		NA		NA		NA		NA		NA	
OR-2 - Reject Timeliness - Requiring Loop Qualification												
OR-2-04-2342	% On Time LSR Reject < 6 Lines – Electronic		NA		NA		NA		NA		NA	
OR-2-06-2342	% On Time LSR Reject >= 6 Lines – Electronic		NA		NA		NA		NA		NA	
OR-2-08-2342	% On Time LSR Reject < 6 Lines – Fax		NA		NA		NA		NA		NA	
OR-2-10-2342	% On Time LSR Reject >= 6 Lines – Fax		NA		NA		NA		NA		NA	
Special Services												
OR-1 - Order Confirmation Timeliness												
OR-1-04-2214	% On Time LSRC < 10 Lines – Non–DS0, DS1, & DS3 – Electronic		100		100		100		100		100	5
OR-1-06-2210	% On Time LSRC >=10 Lines – DS0 – Electronic		NA		NA		NA		NA		NA	
OR-1-06-2211	% On Time LSRC >=10 Lines – DS1 – Electronic		NA		NA		NA		NA		NA	
OR-1-06-2213	% On Time LSRC >=10 Lines – DS3 – Electronic		NA		NA		NA		NA		NA	
OR-1-06-2214	% On Time LSRC >=10 Lines – Non–DS0, DS1, & DS3 – Electronic		100		100		100		100		100	1,2,3,4,5
OR-1-08-2214	% On Time LSRC < 10 Lines – Non DS0,DS1, & DS3 – Fax		NA		NA		NA		NA		NA	
OR-1-10-2210	% On Time LSRC >= 10 Lines – DS0 – Fax		NA		NA		NA		NA		NA	
OR-1-10-2211	% On Time LSRC >= 10 Lines – DS1 – Fax		NA		NA		NA		NA		NA	
OR-1-10-2213	% On Time LSRC >= 10 Lines – DS3 – Fax		NA		NA		NA		NA		NA	
OR-1-10-2214	% On Time LSRC >= 10 Lines – Non DS0,DS1, & DS3 – Fax		NA		NA		NA		NA		NA	

PENNSYLVANIA PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
OR-2 - Reject Timeliness												
OR-2-04-2200	% On Time LSR Reject < 10 Lines – Electronic (No Flow–Through)		100		100		95.24		100		100	
OR-2-06-2200	% On Time LSR Reject >= 10 Lines – Electronic		100		100		NA		100		100	1,2,4,5
OR-2-08-2200	% On Time LSR Reject < 10 Lines – Fax		NA		NA		NA		NA		NA	
OR-2-10-2200	% On Time LSR Reject >=10 Lines – Fax		NA		NA		NA		NA		NA	
POTS / Special Services - Aggregate												
OR-3 - Percent Rejects												
OR-3-01-2000	% Rejects		33.56		31.53		34.71		35.38		36.37	
OR-4 - Timeliness of Completion Notification												
OR-4-02-2000	Completion Notice – % On Time		100		100		100		100		97.71	
POTS / Special Services - Aggregate												
OR-5 - Percent Flow-Through												
OR-5-01-2000	% Flow Through – Total		64.88		65.56		64.36		67.61		68.62	
OR-6 - Order Accuracy												
OR-6-01-2000	% Accuracy – Orders		99.73		100		99.75		97.76		98.28	
POTS / Special Services - Aggregate												
OR-6-02-2000	% Accuracy – Opportunities		99.95		100		99.98		99.68		99.8	
OR-6-03-2000	% Accuracy – LSRC		0		0.09		0		0.1		0	
Resale (Provisioning) - POTS/Special Services												
POTS - Provisioning - Total												
PR-2 - Average Completed Interval												
PR-2-04-2100	Average Interval Completed – Dispatch (6–9 Lines)	5.33	3.5	5.65	3	5.01	3	5.64	3.75	6	5	1,2,3,4,5
PR-2-05-2100	Average Interval Completed – Dispatch (>= 10 Lines)	5.83	NA	7.03	3.8	5.11	1	5.73	5	6.12	NA	2,3,4
PR-4 - Missed Appointments												
PR-4-02-2100	Average Delay Days – Total	3.94	1.65	2.92	1.35	2.74	2.19	2.83	1.55	2.65	3	
PR-4-03-2100	% Missed Appt. – Customer	2.31	2.51	2.27	2.21	2.13	1.93	2.25	1.87	2.25	2	
PR-4-04-2100	% Missed Appt. – VZ – Dispatch	5.46	5.25	7.27	3.81	8.68	4.25	8.42	3.28	9.93	1.94	
PR-4-05-2100	% Missed Appt. – VZ – No Dispatch	0.12	0	0.16	0.03	0.16	0.12	0.43	0.04	0.24	0.06	

PENNSYLVANIA PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PR-4-08-2100	% Missed Appt. – Customer – Due to Late Order Confirmation		0.03		0		0		0		0	
PR-5 - Facility Missed Orders												
PR-6 - Installation Quality												
PR-6-01-2100	% Installation Troubles reported within 30 Days	1.54	1.42	1.66	1.31	1.63	1.53	1.66	1.48	1.91	1.75	
PR-6-02-2100	% Installation Troubles reported within 7 Days	1.02	0.95	1.08	0.79	1.06	0.9	1.05	0.89	1.21	1.27	
PR-6-03-2100	% Installation Troubles reported within 30 Days – FOK/TOK/CPE	1.06	1.52	1.13	0.89	1.08	1.44	1.04	1.43	1.32	2.66	
PR-8 - Open Orders in a Hold Status												
PR-8-01-2100	% Open Orders in a Hold Status > 30 Days	0	0	0	0	0	0	0	0	0	0	
PR-8-02-2100	% Open Orders in a Hold Status > 90 Days	0	0	0	0	0	0	0	0	0	0	
POTS - Business												
PR-2 - Average Completed Interval												
PR-2-01-2110	Average Interval Completed – Total No Dispatch	1.5	1.34	1.71	1.04	2.28	1.26	2.83	1.31	1.57	1.23	
PR-2-03-2110	Average Interval Completed – Dispatch (1–5 Lines)	3.64	3.23	3.83	3.77	4.04	3.95	4	3.47	3.9	3.67	
POTS - Residence												
PR-2 - Average Completed Interval												
PR-2-01-2120	Average Interval Completed – Total No Dispatch	0.88	0.92	0.94	0.97	1.15	0.98	0.94	1.1	1.05	1.19	
POTS - Residence												
PR-2-03-2120	Average Interval Completed – Dispatch (1–5 Lines)	4.12	3.07	4.21	2.67	4.15	2.4	4.12	2.55	4.2	2.41	
Complex Services - 2 Wire Digital												
PR-2 - Average Completed Interval												
PR-2-01-2341	Average Interval Completed – Total No Dispatch	6	NA	6	7	6	NA	6	6	6	NA	2,4
PR-2-02-2341	Average Interval Completed – Total Dispatch	5.66	NA	5.86	NA	5.44	4.33	5.8	NA	5.72	NA	3
PR-4 - Missed Appointment												
PR-4-02-2341	Average Delay Days – Total	4.44	NA	4.82	NA	7.47	NA	2.42	1	4.85	NA	4

PENNSYLVANIA PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PR-4-03-2341	% Missed Appt. – Customer	12.65	12.5	8.14	8.33	10.25	17.86	8.49	0	12.48	0	4,5
PR-4-04-2341	% Missed Appt. – VZ – Dispatch	0.77	0	1.6	0	0.68	0	1.15	100	2.22	0	1,2,4,5
PR-4-05-2341	% Missed Appt. – VZ – No Dispatch	0.76	0	0.18	0	0.73	0	0	0	0.18	0	4,5
PR-4-08-2341	% Missed Appt. – Customer – Due to Late Order Confirmation		0		0		0		0		0	4,5
PR-5 - Facility Missed Orders												
PR-6 - Installation Quality												
PR-6-01-2341	% Installation Troubles reported within 30 Days	3.15	0	4.79	20	3.33	5.56	2.96	0	2.98	0	1,2,4,5
PR-6-03-2341	% Inst. Troubles reported w/ in 30 Days – FOK/TOK/CPE	5.38	42.86	4.97	0	6.22	22.22	4.76	0	2.83	0	1,2,4,5
PR-8 - Open Orders in a Hold Status												
PR-8-01-2341	% Open Orders in a Hold Status > 30 Days	0.11	0	0	0	0.12	0	0.08	0	0.08	0	4,5
PR-8-02-2341	% Open Orders in a Hold Status > 90 Days	0	0	0	0	0	0	0	0	0	0	4,5
Complex Services - 2 Wire xDSL												
PR-2 - Average Completed Interval												
PR-2-01-2342	Average Interval Completed – Total No Dispatch	1.21	NA	2.48	NA	3.05	NA	3.04	NA	3.03	NA	
PR-2-02-2342	Average Interval Completed – Total Dispatch	NA	NA	2.9	NA	2.98	NA	3	NA	3.02	NA	
PR-4 - Missed Appointment												
PR-4-02-2342	Average Delay Days – Total	NA	NA	1.05	NA	1.1	NA	1.1	NA	1.16	NA	
PR-4-03-2342	% Missed Appt. – Customer	0	0	0.67	0	0.47	NA	0.35	0	0.38	NA	1,2,4
PR-4-04-2342	% Missed Appt. – VZ – Dispatch	NA	NA	9.33	NA	0.49	NA	0.29	NA	1.16	NA	
PR-4-05-2342	% Missed Appt. – VZ – No Dispatch	0	0	4.5	0	5.66	NA	4.55	0	3.91	NA	1,2,4
PR-4-08-2342	% Missed Appt. – Customer – Due to Late Order Confirmation		0		0		NA		0		NA	1,2,4
PR-5 - Facility Missed Orders												
PR-6 - Installation Quality												
PR-6-01-2342	% Installation Troubles reported within 30 Days	113.64	0	0.63	0	0.57	NA	0.75	0	0.92	NA	1,2
PR-6-03-2342	% Inst. Troubles reported w/ in 30 Days – FOK/TOK/CPE	738.64	0	3.74	0	3.39	NA	3.96	0	3.66	NA	1,2
PR-8 - Open Orders in a Hold Status												

PENNSYLVANIA PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PR-8-01-2342	% Open Orders in a Hold Status > 30 Days	0	0	0	0	0	NA	0	0	0	NA	1,2,4
PR-8-02-2342	% Open Orders in a Hold Status > 90 Days	0	0	0	0	0	NA	0	0	0	NA	1,2,4
POTS & Complex Aggregate												
PR-2 - Average Completed Interval												
PR-2-10-2103	Average Interval Completed – Disconnects – No Dispatch	3.65	6.36	3.81	6.44	3.73	0.89	3.91	0.82	4.21	0.84	
PR-2-11-2103	Average Interval Completed – Disconnects – Dispatch	3.58	NA	4.18	NA	4.12	NA	5.74	NA	4.74	NA	
Special Services - Provisioning												
PR-2 - Average Completed Interval												
PR-2-01-2200	Average Interval Completed – Total No Dispatch	7.32	NA	9	4	9.6	NA	5.82	5	7.29	NA	2,4
PR-2-02-2200	Average Interval Completed – Total Dispatch	7.23	8.86	8.55	5	6.63	6.5	6.78	6.17	7.37	5.2	1,2,4,5
PR-2-06-2210	Average Interval Completed – DSO	6.05	8.5	7.12	5	5.45	3.67	5.81	5.88	7.49	5.5	1,2,3,4,5
PR-2-07-2211	Average Interval Completed – DS1	7.94	9	9.18	4	8.03	7.71	6.66	NA	7.33	4	1,2,3,5
PR-2-08-2213	Average Interval Completed – DS3	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
PR-2-10-2200	Average Interval Completed – Disconnects – No Dispatch	5.89	4.25	5.89	4.3	7.08	NA	5.73	2	6.32	NA	1,4
PR-2-11-2200	Average Interval Completed – Disconnects – Dispatch	4.85	5	5.08	3.71	6.3	NA	5.67	NA	5.26	NA	1
PR-4 - Missed Appointments												
PR-4-01-2200	% Missed Appt. – VZ – Total	1.15	3.85	1.94	0	3.38	0	1.27	0	3.64	0	
PR-4-02-2200	Average Delay Days – Total	1.83	9	19.36	NA	13.94	NA	1.43	NA	10.44	NA	1
PR-4-03-2200	% Missed Appt. – Customer	33.33	23.08	24.3	5.56	25.89	13.64	24.32	18.18	25.28	18.18	
PR-4-08-2200	% Missed Appt. – Customer – Due to Late Order Confirmation		0		0		0		0		0	
PR-6- Installation Quality												
PR-6-01-2200	% Installation Troubles reported within 30 Days	3.46	2.56	2.88	7.14	2.79	13.64	3.97	1.47	3.7	0	
PR-6-03-2200	% Installation Troubles reported within 30 Days – FOK/TOK/CPE	1.94	2.56	1.38	0	1.23	0	2.27	0	2.78	3.23	
PR-8 - Open Orders in a Hold Status												
PR-8-01-2200	% Open Orders in a Hold Status > 30 Days	1.34	0	0	0	0	0	0	0	0	0	

PENNSYLVANIA PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PR-8-02-2200	% Open Orders in a Hold Status > 90 Days	0	0	0	0	0	0	0	0	0	0	
Resale (Maintenance) - POTS/Special Services												
POTS - Maintenance												
MR-2 - Trouble Report Rate												
MR-2-02-2100	Network Trouble Report Rate – Loop	0.63	0.32	0.78	0.36	0.8	0.37	0.96	0.41	1.07	0.44	
MR-2-03-2100	Network Trouble Report Rate – Central Office	0.09	0.05	0.09	0.05	0.09	0.05	0.09	0.04	0.08	0.03	
MR-2-04-2100	% Subsequent Reports	18.74	13	19.36	9.52	18.32	12.29	18.9	14.55	20.83	10.94	
MR-2-05-2100	% CPE/TOK/FOK Trouble Report Rate	0.46	0.3	0.53	0.29	0.56	0.36	0.61	0.37	0.72	0.4	
MR-3 - Missed Repair Appointments												
MR-3-01-2100	% Missed Repair Appointment – Loop	15.36	15.29	18.14	18.87	18.68	19.87	19.09	19.8	24.7	24.4	
MR-3-02-2100	% Missed Repair Appointment – Central Office	4.75	1.59	4.96	9.68	5.77	6.67	4.82	8.33	8.1	9.76	
MR-3-03-2100	% Missed Repair Appointment — CPE /TOK/FOK	5.9	2.84	7.22	5.93	7.15	8.28	7.68	7.02	10.62	12.22	
MR-4 - Trouble Duration Intervals												
MR-4-01-2100	Mean Time To Repair – Total	18.87	16.52	18.07	15.2	17.81	13.36	18.8	15.6	21.73	17.6	
MR-4-02-2100	Mean Time to Repair – Loop Trouble	20.37	17.35	19.23	15.93	18.94	14.15	19.82	16.29	22.68	18.31	
MR-4-03-2100	Mean Time To Repair – Central Office Trouble	8.4	11.11	7.63	9.76	8.11	7.14	7.43	8.31	9.48	8.15	
MR-4-04-2100	% Cleared (all troubles) within 24 Hours	76.69	82.32	78.2	85.47	79.74	86.17	77.43	81.72	69.55	75.09	
MR-4-06-2100	% Out of Service > 4 hours	76.15	73.94	77.94	67.7	77.37	65.43	79.12	69.65	83.31	77.7	
MR-4-07-2100	% Out of Service > 12 hours	61.03	58.31	61.85	51.12	59.72	50	62.08	53.39	65.4	60.46	
MR-4-08-2100	% Out of Service > 24 Hours	22.66	16.94	19.48	10.39	17.2	12	19.09	15.72	27.08	22.07	
MR-5 - Repeat Trouble Reports												
MR-5-01-2100	% Repeat Reports within 30 Days	13.62	13.47	13.44	13.19	13.6	17.99	14.19	14.52	14.92	13.48	
Complex Services - 2 Wire Digital												
MR-2 - Trouble Report Rate												
MR-2-02-2341	Network Trouble Report Rate – Loop	0.28	0.2	0.29	0.89	0.32	0.28	0.34	0.47	0.32	0.09	
MR-2-03-2341	Network Trouble Report Rate – Central Office	0.11	0.2	0.12	0.2	0.11	0.09	0.12	0.09	0.08	0.28	
MR-2-04-2341	% Subsequent Reports	13.09	0	8.02	8.33	11.94	0	5.91	33.33	8.89	0	1,3,5
MR-2-05-2341	% CPE/TOK/FOK Trouble Report Rate	0.88	2.49	0.86	1.69	0.87	1.32	0.8	0.94	0.81	1.22	

PENNSYLVANIA PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
MR-3 - Missed Repair Appointments												
MR-3-01-2341	% Missed Repair Appointment – Loop	32.77	100	37.19	11.11	35.11	33.33	30.99	60	38.93	100	1,3,4,5
MR-3-02-2341	% Missed Repair Appointment – Central Office	19.15	0	13.73	0	8.7	0	10.2	0	21.21	100	1,2,3,4,5
MR-3-03-2341	% Missed Repair Appointment — CPE /TOK/FOK	11.65	8	11.73	0	13.61	28.57	12.39	10	16.37	7.69	
MR-4 - Trouble Duration Intervals												
MR-4-01-2341	Mean Time To Repair – Total	21.21	12.56	19.59	20.8	21.1	44.18	14.8	26.37	22.64	24.04	1,3,4,5
MR-4-02-2341	Mean Time to Repair – Loop Trouble	24.63	24.62	24.57	14.63	24.62	58.11	16.78	27.34	25.02	27.9	1,3,4,5
MR-4-03-2341	Mean Time To Repair – Central Office Trouble	12.53	0.5	7.77	48.58	11.09	2.4	9.08	21.53	13.17	22.76	1,2,3,4,5
MR-4-04-2341	% Cleared (all troubles) within 24 Hours	69.28	50	70.93	72.73	74.58	25	83.77	83.33	71.95	75	1,3,4,5
MR-4-07-2341	% Out of Service > 12 hours	57.45	66.67	54.22	44.44	50.98	100	50.67	80	55.06	100	1,3,4,5
MR-4-08-2341	% Out of Service > 24 Hours	28.72	66.67	30.12	11.11	31.37	100	18.67	0	24.72	25	1,3,4,5
MR-5 - Repeat Trouble Reports												
MR-5-01-2341	% Repeat Reports within 30 Days	13.25	25	29.65	36.36	21.47	50	17.8	16.67	21.95	25	1,3,4,5
Complex Services - 2 Wire xDSL												
MR-2 - Trouble Report Rate												
MR-2-02-2342	Network Trouble Report Rate – Loop	0.07	0	0.09	0	0.09	0	0.14	0	0.18	0	
MR-2-03-2342	Network Trouble Report Rate – Central Office	0.03	0	0.04	0	0.03	0	0.05	0	0.05	0	
MR-2-04-2342	% Subsequent Reports	0	NA	0	NA	0	NA	0	NA	0	NA	
MR-2-05-2342	% CPE/TOK/FOK Trouble Report Rate	0.81	0	0.99	0	1.26	0	1.44	0	1.52	0	
MR-3 - Missed Repair Appointments												
MR-3-01-2342	% Missed Repair Appointment – Loop	12.94	NA	20	NA	26.26	NA	15.69	NA	25.45	NA	
MR-3-02-2342	% Missed Repair Appointment – Central Office	14.29	NA	5.62	NA	22.83	NA	14.68	NA	15.93	NA	
MR-3-03-2342	% Missed Repair Appointment — CPE /TOK/FOK	9.31	NA	11.17	NA	13.39	NA	10.47	NA	14.08	NA	
MR-4 - Trouble Duration Intervals												
MR-4-01-2342	Mean Time To Repair – Total	28.71	NA	20.93	NA	27.8	NA	31.47	NA	21.73	NA	
MR-4-02-2342	Mean Time to Repair – Loop Trouble	37.37	NA	29.04	NA	32.87	NA	38.38	NA	38.03	NA	
MR-4-03-2342	Mean Time To Repair – Central Office Trouble	19.16	NA	10.46	NA	22.35	NA	21.77	NA	23.15	NA	

PENNSYLVANIA PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
MR-4-07-2342	% Out of Service > 12 hours	71.61	NA	66.67	NA	72.41	NA	77.82	NA	81.15	NA	
MR-4-08-2342	% Out of Service > 24 Hours	27.1	NA	21.35	NA	37.36	NA	37.1	NA	40.26	NA	
MR-5 - Repeat Trouble Reports												
MR-5-01-2342	% Repeat Reports within 30 Days	47.53	NA	46.08	NA	44.5	NA	44.27	NA	36.94	NA	
Special Services - Maintenance												
MR-2 - Trouble Report Rate												
MR-4 - Trouble Duration Intervals												
MR-4-01-2200	Mean Time To Repair – Total	4.4	7.15	4.63	4.43	5.19	8.19	4.74	11.51	4.76	6.14	1,2,3,4,5
MR-4-02-2200	Mean Time to Repair – Loop Trouble – Specials	4.94	7.15	5.32	10.44	5.66	NA	5.21	NA	5.6	6.59	1,2,5
MR-4-04-2200	% Cleared (all troubles) within 24 Hours	99.76	100	98.29	100	98.59	100	98.51	66.67	98.4	100	1,2,3,4,5
MR-4-06-2200	% Out of Service > 4 hours – Specials	40.66	100	38.86	20	47.7	80	42.13	33.33	42.27	50	1,2,3,4,5
MR-4-07-2200	% Out of Service > 12 hours – Specials	4.73	16.67	5.14	0	6.89	40	6.17	33.33	5.68	16.67	1,2,3,4,5
MR-4-08-2200	% Out of Service > 24 Hours – Specials	0.24	0	1.71	0	1.41	0	1.49	33.33	1.6	0	1,2,3,4,5
MR-5 - Repeat Trouble Reports												
MR-5-01-2200	% Repeat Reports within 30 Days	14.15	0	15.62	0	17.64	0	17.62	0	17.2	33.33	1,2,3,4,5
UNE (Ordering) - POTS/Special Services												
POTS Loop/Pre-Qualified Complex/LNP (combined data)												
OR-1 - Order Confirmation Timeliness												
OR-1-02-3331	% On Time LSRC – Flow–Through		99.98		99.94		99.96		99.95		99.92	
OR-1-04-3331	% On Time LSRC < 10 Lines – Electronic (No Flow–Through)		99.68		99.65		99.56		99.52		98.82	
OR-1-06-3331	% On Time LSRC >=10 Lines – Electronix		100		100		99.8		99.5		99.52	
OR-1-08-3331	% On Time LSRC < 10 Lines – Fax		NA		NA		NA		NA		NA	
OR-1-10-3331	% On Time LSRC >= 10 Lines – Fax		NA		NA		NA		NA		NA	
OR-2 - Reject Timeliness												
OR-2-02-3331	% On Time LSR Reject – Flow–Through		99.9		99.91		100		99.68		99.97	
OR-2-04-3331	% On Time LSR Reject < 10 Lines – Electronic (No Flow–Through)		99.54		99.65		99.27		99.28		99.03	
OR-2-06-3331	% On Time LSR Reject >= 10 Lines – Electonic		100		100		100		100		100	
OR-2-08-3331	% On Time LSR Reject < 10 Lines – Fax		NA		NA		NA		NA		NA	
OR-2-10-3331	% On Time LSR Reject >=10 Lines – Fax		NA		NA		NA		NA		NA	

PENNSYLVANIA PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
OR-7 - Confirmations/Rejects Sent within 3 Business Days												
OR-7-01-3331	% Order Confirmations/Rejects Sent Within 3 Business Days		99.3		98.89		99.61		99.86		98.4	
POTS Platform												
OR-1 - Order Confirmation Timeliness												
OR-1-02-3140	% On Time LSRC – Flow–Through		99.88		99.79		99.88		99.19		96.33	
OR-1-04-3140	% On Time LSRC < 10 Lines – Electronic (No Flow–Through)		99.76		99.63		99.42		99.27		98.94	
OR-1-06-3140	% On Time LSRC >=10 Lines – Electronix		100		98.48		100		100		100	
OR-1-08-3140	% On Time LSRC < 10 Lines – Fax		NA		NA		NA		NA		NA	
OR-1-10-3140	% On Time LSRC >= 10 Lines – Fax		NA		NA		NA		NA		NA	
OR-2 - Reject Timeliness												
OR-2-02-3140	% On Time LSR Reject – Flow–Through		99.93		99.93		99.9		99.04		96.7	
OR-2-04-3140	% On Time LSR Reject < 10 Lines – Electronic (No Flow–Through)		99.95		99.97		99.71		99.66		99.49	
OR-2-06-3140	% On Time LSR Reject >= 10 Lines – Electonic		100		100		100		100		100	
OR-2-08-3140	% On Time LSR Reject < 10 Lines – Fax		NA		NA		NA		NA		NA	
OR-2-10-3140	% On Time LSR Reject >=10 Lines – Fax		NA		NA		NA		NA		NA	
OR-7 - Confirmations/Rejects Sent within 3 Business Days												
OR-7-01-3140	% Order Confirmations/Rejects Sent Within 3 Business Days		99.94		99.57		99.92		99.87		99.82	
Complex Services - 2 Wire Digital												
OR-1 - Order Confirmation Timeliness (requiring Loop Qualification)												
OR-1-04-3341	% On Time LSRC < 6 Lines – Electronic (No Flow –Through)		100		99.07		98.88		98.91		100	
OR-1-06-3341	% On Time LSRC >= 6 Lines – Electronic		NA		NA		NA		NA		NA	
OR-1-08-3341	% On Time LSRC < 6 Lines – Fax		NA		NA		NA		NA		NA	
OR-1-10-3341	% On Time LSRC >= 6 Lines – Fax		NA		NA		NA		NA		NA	
OR-2 - Reject Timeliness (requiring Loop Qualification)												
OR-2-04-3341	% On Time LSR Reject < 6 Lines – Electroning (No Flow–Through)		100		100		100		100		100	
OR-2-06-3341	% On Time LSR Reject >= 6 Lines – Electronic		NA		NA		NA		NA		NA	

PENNSYLVANIA PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
OR-2-08-3341	% On Time LSR Reject < 6 Lines – Fax		NA		NA		NA		NA		NA	
OR-2-10-3341	% On Time LSR Reject >= 6 Lines – Fax		NA		NA		NA		NA		NA	
Complex Services - 2 Wire xDSL												
OR-1 - Order Confirmation Timeliness (requiring Loop Qualification)												
OR-1-08-3342	% On Time LSRC < 6 Lines – Fax		NA		NA		NA		NA		NA	
OR-1-10-3342	% On Time LSRC >= 6 Lines – Fax		NA		NA		NA		NA		NA	
OR-2 - Reject Timeliness (requiring Loop Qualification)												
OR-2-08-3342	% On Time LSR Reject < 6 Lines – Fax		NA		NA		NA		NA		NA	
OR-2-10-3342	% On Time LSR Reject >= 6 Lines – Fax		NA		NA		NA		NA		NA	
Complex Services - 2 Wire xDSL Loops												
OR-1 - Order Confirmation Timeliness (requiring Loop Qualification)												
OR-1-04-3342	% On Time LSRC < 6 Lines – Electronic (No Flow –Through)		99.25		98.53		100		100		98.97	
OR-1-06-3342	% On Time LSRC >= 6 Lines – Electronic		NA		NA		NA		NA		NA	
OR-2 - Reject Timeliness (requiring Loop Qualification)												
OR-2-04-3342	% On Time LSR Reject < 6 Lines – Electroning (No Flow–Through)		100		100		96.97		100		100	
OR-2-06-3342	% On Time LSR Reject >= 6 Lines – Electronic		NA		NA		NA		NA		NA	
Complex Services - 2 Wire xDSL Line Sharing												
OR-1 - Order Confirmation Timeliness (requiring Loop Qualification)												
OR-1-04-3343	% On Time LSRC < 6 Lines – Electronic (No Flow –Through)		100		100		100		100		100	
OR-1-06-3343	% On Time LSRC >= 6 Lines – Electronic		NA		NA		NA		NA		NA	
OR-2 - Reject Timeliness (requiring Loop Qualification)												
OR-2-04-3343	% On Time LSR Reject < 6 Lines – Electroning (No Flow–Through)		100		100		100		100		100	1,2,3,4,5
OR-2-06-3343	% On Time LSR Reject >= 6 Lines – Electronic		NA		NA		NA		NA		NA	
Special Services												
OR-1 - Order Confirmation Timeliness												
OR-1-04-3214	% On Time LSRC < 10 Lines – Non DS0, DS1, DS3 – Electronic (No Flow–Through)		100		100		90		100		100	1,2,4,5

PENNSYLVANIA PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
OR-1-06-3214	% On Time LSRC >=10 Lines – Non DS0, DS1, DS3 – Electronic		100		100		NA		100		100	1,2,4,5
OR-1-06-3210	% On Time LSRC >=10 Lines (DS0) – Electronic		NA		NA		NA		NA		NA	
OR-1-06-3211	% On Time LSRC >=10 Lines (DS1) – Electronic		100		90.55		92.94		94.7		89.95	1
OR-1-06-3213	% On Time LSRC >=10 Lines (DS3) – Electronic		NA		85.86		98.67		100		100	
OR-1-08-3214	% On Time LSRC < 10 Lines – Non DS0, DS1, DS3 – Fax		NA		NA		NA		NA		NA	
OR-1-10-3214	% On Time LSRC >= 10 Lines – Non DS0, DS1, DS3 – Fax		NA		NA		NA		NA		NA	
OR-1-10-3210	% On Time LSRC >= 10 Lines (DS0) – Fax		NA		NA		NA		NA		NA	
OR-1-10-3211	% On Time LSRC >= 10 Lines (DS1) – Fax		NA		NA		NA		100		0	4,5
OR-1-10-3213	% On Time LSRC >= 10 Lines (DS3) – Fax		NA		NA		NA		NA		NA	
OR-2 - Reject Timeliness												
OR-2-04-3214	% On Time LSR Reject < 10 Lines – Electronic (No Flow Through)		86.05		100		100		100		100	4,5
OR-2-06-3214	% On Time LSR Reject >= 10 Lines – Electronic		NA		92.64		95.34		92.64		97.95	
OR-2-08-3214	% On Time LSR Reject < 10 Lines – Fax		NA		NA		NA		NA		NA	
OR-2-10-3214	% On Time LSR Reject >=10 Lines – Fax		NA		NA		NA		NA		NA	
POTS / Special Services - Aggregate												
OR-3 - Percent Rejects												
OR-3-01-3000	% Rejects		23.44		23.12		21.93		19.63		19.6	
OR-4 - Timeliness of Completion Notification												
OR-4-02-3000	Completion Notification – % On Time		100		100		99.86		100		99.41	
OR-5 - Percent Flow-Through												
OR-5-01-3000	% Flow Through – Total		76.21		80.58		80.11		80.96		83.32	
OR-5-02-3000	% Flow Through – Simple		77.08		81.6		81.04		81.91		84.44	
OR-6 - Order Accuracy												
OR-6-01-3000	% Accuracy – Orders		98.11		97.61		98.25		95.23		89.91	
OR-6-02-3000	% Accuracy – Opportunities		99.87		99.9		99.94		99.42		98.49	

PENNSYLVANIA PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
OR-6-03-3000	% Accuracy – Local Service Request Confirmation		0.06		0.07		0.05		0.1		0.06	
UNE (Provisioning) - POTS/Special Services												
POTS - Provisioning												
PR-2 - Average Completed Interval												
PR-2-01-3111	Average Interval Completed – Total No Dispatch – Hot Cut Loop	0.92	5.15	0.99	5.06	1.24	5.07	1.09	5.1			
PR-2-01-3122	Average Interval Completed – Total No Dispatch – Other (Switch & INP)	1.5	1.71	1.71	2.21	2.28	1.6	2.83	1	1.57	NA	4
PR-2-01-3140	Average Interval Completed – Total No Dispatch – Platform	1.5	1.04	1.71	0.99	2.28	0.88	2.83	0.84	1.57	0.87	
PR-2-03-3112	Average Interval Completed – Dispatch (1–5 Lines) – Loop	3.64	3.13	3.83	3.16	4.04	3.14	4	3.2	3.9	3.62	
PR-2-03-3140	Average Interval Completed – Dispatch (1–5 Lines) – Platform	3.64	3.63	3.83	3.52	4.04	2.86	4	2.99	3.9	2.81	
PR-2-04-3112	Average Interval Completed – Dispatch (6–9 Lines) – Loop	5.33	5.76	5.65	6	5.01	6.07	5.64	6	6	5.88	2
PR-2-04-3140	Average Interval Completed – Dispatch (6–9 Lines) – Platform	5.33	NA	5.65	4	5.01	3	5.64	3	6	3.5	2,3,4,5
PR-2-05-3112	Average Interval Completed – Dispatch (>= 10 Lines) – Loop	5.83	10	7.03	9.29	5.11	8.14	5.73	10.29	6.12	9.56	1,2,3,4
PR-2-05-3140	Average Interval Completed – Dispatch (>= 10 Lines) – Platform	5.83	NA	7.03	NA	5.11	2	5.73	5	6.12	NA	3,4
PR-4 - Missed Appointments												
PR-4-02-3100	Average Delay Days – Total	3.94	1.16	2.92	1.92	2.74	1.81	2.83	2.67	2.65	2.31	
PR-4-03-3100	% Missed Appointment – Customer	2.31	0.88	2.27	0.87	2.13	1.06	2.25	0.67	2.25	0.56	
PR-4-04-3113	% Missed Appointment – Verizon – Dispatch – Loop New	5.46	2.21	7.27	2.14	8.68	1.61	8.42	2.59	9.93	2.9	
PR-4-04-3140	% Missed Appointment – Verizon – Dispatch – Platform	5.46	1.73	7.27	2.48	8.68	2.7	8.42	3.54	9.93	4.66	
PR-4-05-3123	% Missed Appointment – Verizon – No Dispatch – Other	0.12	0	0.16	0.26	0.16	0	0.43	0	0.24	0	

PENNSYLVANIA PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PR-4-05-3140	% Missed Appointment – Verizon – No Dispatch – Platform	0.12	0.01	0.16	0.01	0.16	0.02	0.43	0.01	0.24	0.03	
PR-4-07-3540	% On Time Performance – LNP		99.75		99.51		99.66		99.69		99.54	
PR-6 - Installation Quality												
PR-6-01-3112	% Installation Troubles reported within 30 Days – Loop	1.54	1.87	1.66	2.35	1.63	1.77	1.66	2.42	1.91	2.03	
PR-6-01-3140	% Installation Troubles reported within 30 Days – Platform	1.54	1.35	1.66	1.43	1.63	1.54	1.66	1.6	1.91	1.89	
PR-6-02-3112	% Installation Troubles reported within 7 Days – Loop	1.02	1.07	1.08	1.25	1.06	1.03	1.05	1.19	1.21	0.99	
PR-6-02-3140	% Installation Troubles reported within 7 Days – Platform	1.02	0.72	1.08	0.65	1.06	0.71	1.05	0.8	1.21	0.8	
PR-6-03-3112	% Installation Troubles reported within 30 Days – FOK/TOK/CPE – Loop	1.06	1.83	1.13	2.14	1.08	2.17	1.04	2.79	1.32	2.53	
PR-6-03-3140	% Installation Troubles reported within 30 Days – FOK/TOK/CPE – Platform	1.06	1.33	1.13	1.51	1.08	1.61					
PR-8 - Open Orders in a Hold Status												
PR-8-01-3100	% Open Orders in a Hold Status > 30 Days	0	0	0	0	0	0	0	0	0	0	
PR-8-02-3100	% Open Orders in a Hold Status > 90 Days	0	0	0	0	0	0	0	0	0	0	
PR-9 - Hot Cuts												
PR-9-01-3520	% On Time Performance – Hot Cuts		99.22		98.82		98.47		98.82		98.81	
Complex Services - 2 Wire Digital												
PR-2 - Average Completed Interval												
PR-2-01-3341	Average Interval Completed – Total No Dispatch	6	NA	6	NA	6	NA	6	NA	6	NA	
PR-2-02-3341	Average Interval Completed – Total Dispatch	5.66	5	5.86	4.33	5.44	6	5.8	5.63	5.72	6	1,2,3,4,5
PR-4 - Missed Appointments												
PR-4-02-3341	Average Delay Days – Total	4.44	NA	4.82	1.67	7.47	3	2.42	1.5	4.85	NA	2,3,4
PR-4-03-3341	% MA – Customer	12.65	8.86	8.14	7.35	10.25	16.67	8.49	4.76	12.48	7.84	
PR-4-04-3341	% MA – VZ – Dispatch	0.77	0	1.6	0	0.68	0	1.15	0	2.22	0	
PR-4-05-3341	% MA – VZ – No Dispatch	0.76	NA	0.18	NA	0.73	0	0	0	0.18	0	3,4,5
PR-5 - Facility Missed Orders												
PR-6 - Installation Quality												

PENNSYLVANIA PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PR-6-01-3341	% Installation Troubles reported within 30 Days	3.15	5.06	4.79	5.88	3.33	6.06	2.96	4.76	2.98	11.76	
PR-6-03-3341	% Inst. Troubles reported w/ in 30 Days – FOK/TOK/CPE	5.38	8.86	4.97	4.41	6.22	6.06	4.76	4.76	2.83	5.88	
PR-8 - Open Orders in a Hold Status												
PR-8-01-3341	% Open Orders in a Hold Status > 30 Days	0.11	0	0	0	0.12	0	0.08	0	0.08	0	
PR-8-02-3341	% Open Orders in a Hold Status > 90 Days	0	0	0	0	0	0	0	0	0	0	
Complex Services - 2 Wire xDSL												
PR-4 - Missed Appointments												
Complex Services - 2 Wire xDSL Loops												
PR-2 - Average Completed Interval												
PR-2-01-3342	Average Interval Completed – Total No Dispatch	2.29	5.8	2.48	6	3.05	5.88	3.04	5.75	3.03	6	3,4,5
PR-2-02-3342	Average Interval Completed – Total Dispatch	2.49	5.85	2.9	5.51	2.98	5.73	3	5.55	3.02	5.71	
PR-4 - Missed Appointments												
PR-4-02-3342	Average Delay Days – Total	2.5	1.86	18.67	1.5	1.33	1.14	1	7.38	12.33	3.33	1,2,4,5
PR-4-03-3342	% MA – Customer	1.42	8.25	0.67	6.63	0.47	6.85	0.35	7.7	0.38	8.61	
PR-4-04-3342	% MA – VZ – Dispatch		0.19		0.35		1.22		0.84		0.9	
PR-4-05-3342	% MA – VZ – No Dispatch	0.26	2.5	4.5	0	5.66	0	4.55	0	3.91	0	5
PR-4-14-3342	% Completed on Time		99.8		99.45		99.23		98.68		98.09	
PR-5 - Facility Missed Orders												
PR-6 - Installation Quality												
PR-6-01-3342	% Installation Troubles reported within 30 Days	1.54	1.2	1.66	2.61	1.63	3.29	1.66	6	1.91	3.13	
PR-6-03-3342	% Inst. Troubles reported w/ in 30 Days – FOK/TOK/CPE	1.06	29.34	1.13	14.93	1.08	18.78	1.04	15.5	1.32	21.09	
PR-8 - Open Orders in a Hold Status												
PR-8-01-3342	% Open Orders in a Hold Status > 30 Days	4.93	0	0	0	0	0	0	0	0	0	
PR-8-02-3342	% Open Orders in a Hold Status > 90 Days	0	0	0	0	0	0	0	0	0	0	
Complex Services - 2 Wire xDSL Line Sharing												
PR-2 - Average Completed Interval												
PR-2-01-3343	Average Interval Completed – Total No Dispatch	2.29	2.94	2.48	2.73	3.05	2.49	3.04	2.86	3.03	2.72	

PENNSYLVANIA PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PR-2-02-3343	Average Interval Completed – Total Dispatch	2.49	2.91	2.9	2.65	2.98	2.82	3	2.93	3.02	2.78	
PR-4 - Missed Appointments												
PR-4-02-3343	Average Delay Days – Total	1.13	5	1.05	1	1.1	6	1.1	16	1.16	3	1,2,3,4,5
PR-4-03-3343	% MA – Customer	1.42	4.86	0.67	0.63	0.47	2.16	0.35	5.42	0.38	1.6	
PR-4-04-3343	% MA – VZ – Dispatch	2.44	0	9.33	0	0.49	0	0.29	0	1.16	0	
PR-4-05-3343	% MA – VZ – No Dispatch	0.26	0.76	4.5	0.75	5.66	0.6	4.55	0.69	3.91	1.16	
PR-5 - Facility Missed Orders												
PR-6 - Installation Quality												
PR-6-01-3343	% Installation Troubles reported within 30 Days	0.53	2.78	0.63	2.52	0.57	1.08	0.75	1.81	0.92	0.53	
PR-6-03-3343	% Inst. Troubles reported w/ in 30 Days – FOK/TOK/CPE	3.43	9.72	3.74	4.4	3.39	3.78	3.96	7.83	3.66	8.51	
PR-8 - Open Orders in a Hold Status												
PR-8-01-3343	% Open Orders in a Hold Status > 30 Days	0	0	0	0	0	0	0	0	0	0	
PR-8-02-3343	% Open Orders in a Hold Status > 90 Days	0	0	0	0	0	0	0	0	0	0	
POTS & Complex Aggregate												
PR-2 - Average Completed Interval												
PR-2-10-3133	Average Interval Completed – Disconnects – No Dispatch	3.65	2.59	3.81	2.88	3.73	1.14	3.91	1.02	4.21	1.06	
PR-2-11-3133	Average Interval Completed – Disconnects – Dispatch	3.58	5	4.18	3	4.12	1.17	5.74	1.43	4.74	1	1,2,3,4
Special Services - Provisioning												
PR-2 - Average Completed Interval												
PR-2-01-3200	Average Interval Completed – Total No Dispatch	7.32	NA	9	NA	9.6	3.87	5.82	1.65	7.29	2.34	
PR-2-02-3200	Average Interval Completed – Total Dispatch	7.23	14.25	8.55	15.15	6.63	13.74	6.78	11.75	7.37	13.27	
PR-2-06-3210	Average Interval Completed – DS0	6.05	NA	7.12	7	5.45	10	5.81	2	7.49	8	2,3,4,5
PR-2-07-3211	Average Interval Completed – DS1	7.94	11.52	9.18	10.77	8.03	12.9	6.66	11.13	7.33	12.64	
PR-2-08-3213	Average Interval Completed – DS3	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
PR-2-09-3510	Average Interval Completed – Total EEL	7.94	17.44		15.61		16.24		11.94		14.2	
PR-2-10-3200	Average Interval Completed – Disconnects – No Dispatch	5.89	3.58	5.89	6.74	7.08	5.01	5.73	3.48	6.32	2.29	

PENNSYLVANIA PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PR-2-11-3200	Average Interval Completed – Disconnects – Dispatch	4.85	5	5.08	7.29	6.3	4.1	5.67	5.56	5.26	4	5
PR-4 - Missed Appointments												
PR-4-01-3200	% MA – Verizon – Total	1.15	7.14	1.94	3.5	3.38	1.7	1.27	1.53	3.64	2.64	
PR-4-01-3510	% Missed Appointment – Verizon – Total – EEL	1.15	2.63	1.94	1.85	3.38	4.15	1.27	2.23	3.64	2.87	
PR-4-01-3530	% Missed Appointment – Verizon – Total – IOF	1.15	0	1.94	4.17	3.38	2.53	1.27	1.79	3.64	0	
PR-4-02-3200	Average Delay Days – Total	1.83	1.75	19.36	1.4	13.94	2.2	1.43	2.6	10.44	2	1,2,3,4,5
PR-4-02-3510	Average Delay Days – Total – EEL	1.83	4.83	19.36	2.6	13.94	9.13	1.43	4.2	10.44	2.6	1,2,3,4,5
PR-4-02-3530	Average Delay Days – Total – IOF	1.83	NA	19.36	2	13.94	3.5	1.43	1	10.44	NA	2,3,4
PR-4-03-3200	% Missed Appointment – Customer	33.33	4.76	24.3	2.62	25.89	2.41	24.32	3.39	25.28	2.48	
PR-4-03-3510	% Missed Appointment – Customer – EEL	33.33	3.07	24.3	4.06	25.89	2.07	24.32	4.02	25.28	2.87	
PR-4-08-3200	% MA – Customer – Due to Late Order Confirmation		2.44		1.54		1.1		0		0.5	
PR-6 - Installation Quality												
PR-6-01-3200	% Installation Troubles reported within 30 Days	3.46	1.53	2.88	2.74	2.79	1.1	3.97	1.92	3.7	1.75	
PR-6-03-3200	% Installation Troubles reported within 30 Days – FOK/TOK/CPE	1.94	0.61	1.38	0.23	1.23	0.12	2.27	0.11	2.78	0	
PR-8 - Open Orders in a Hold Status												
PR-8-01-3200	% Open Orders in a Hold Status > 30 Days	1.34	0	0	0	0	0	0	0	0	0	
PR-8-02-3200	% Open Orders in a Hold Status > 90 Days	0	0	0	0	0	0	0	0	0	0	
UNE (Maintenance) - POTS/Special Services												
POTS - Maintenance												
MR-2 - Trouble Report Rate												
MR-2-02-3112	Network Trouble Report Rate – Loop	0.63	0.42	0.78	0.48	0.8	0.46	0.96	0.47	1.07	0.47	
MR-2-02-3140	Network Trouble Report Rate – Platform	0.63	0.63	0.78	0.75	0.8	0.75	0.96	0.87	1.07	0.94	
MR-2-03-3112	Network Trouble Report Rate – Central Office – Loop	0.09	0.05	0.09	0.05	0.09	0.05	0.09	0.04	0.08	0.05	
MR-2-03-3140	Network Trouble Report Rate – Central Office – Platform	0.09	0.1	0.09	0.08	0.09	0.08	0.09	0.08	0.08	0.07	
MR-2-04-3112	% Subsequent Reports – Loop	18.74	0	19.36	0	18.32	0	18.9	0	20.83	0	

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Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
MR-2-04-3140	% Subsequent Reports – Platform	18.74	7.95	19.36	8.38	18.32	8.09	18.9	8.7	20.83	7.83	
MR-2-05-3112	% CPE/TOK/FOK Trouble Report Rate – Loop	0.46	0.44	0.53	0.46	0.56	0.54	0.61	0.54	0.72	0.58	
MR-2-05-3140	% CPE/TOK/FOK Trouble Report Rate – Platform	0.46	0.63	0.53	0.73	0.56	0.74	0.61	0.75	0.72	0.89	
MR-3 - Missed Repair Appointments												
MR-3-01-3112	% Missed Repair Appointment – Loop – Loop	15.36	7.97	18.14	6.93	18.68	5.98	19.09	8	24.7	9.71	
MR-3-01-3140	% Missed Repair Appointment – Loop – Platform	15.36	11.76	18.14	12.83	18.68	13.96	19.09	14.73	24.7	18.83	
MR-3-02-3112	% Missed Repair Appointment – Central Office – Loop	4.75	2.04	4.96	3.49	5.77	4.55	4.82	12.05	8.1	5.49	
MR-3-02-3140	% Missed Repair Appointment – Central Office – Platform	4.75	2.54	4.96	3.88	5.77	1.37	4.82	3.75	8.1	5.24	
MR-3-03-3112	% Missed Repair Appointment — CPE /TOK/FOK – Loop	5.9	2.72	7.22	1.27	7.15	2.53	7.68	1.42	10.62	3.43	
MR-3-03-3140	% Missed Repair Appointment — CPE /TOK/FOK – Platform	5.9	3.14	7.22	3.93	7.15	4.44	7.68	4.17	10.62	6.1	
MR-4 - Trouble Duration Intervals												
MR-4-01-3112	Mean Time To Repair – Total – Loop	18.87	18.63	18.07	17.57	17.81	18.02	18.8	17.86	21.73	18.63	
MR-4-01-3140	Mean Time To Repair – Total – Platform	18.87	17.88	18.07	16.83	17.81	16.43	18.8	18.25	21.73	19.94	
MR-4-02-3112	Mean Time to Repair – Loop Trouble – Loop	20.37	19.54	19.23	18.4	18.94	18.74	19.82	18.38	22.68	19.27	
MR-4-02-3140	Mean Time to Repair – Loop Trouble – Platform	20.37	19.3	19.23	17.55	18.94	17.24	19.82	19.05	22.68	20.66	
MR-4-03-3112	Mean Time To Repair – Central Office Trouble – Loop	8.4	11.38	7.63	8.96	8.11	10.99	7.43	12.13	9.48	12.04	
MR-4-03-3140	Mean Time To Repair – Central Office Trouble – Platform	8.4	8.86	7.63	10.3	8.11	8.55	7.43	9.82	9.48	10.19	
MR-4-04-3112	% Cleared (all troubles) within 24 Hours – Loop	76.69	79.79	78.2	78.39	79.74	76.7	77.43	77.51	69.55	76.2	
MR-4-04-3140	% Cleared (all troubles) within 24 Hours – Platform	76.69	79.08	78.2	82.43	79.74	84.45	77.43	80.46	69.55	74.15	
MR-4-06-3140	% Out of Service > 4 hours – Platform	76.15	75.4	77.94	77.15	77.37	77.33	79.12	81.93	83.31	82.19	

PENNSYLVANIA PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
MR-4-07-3112	% Out of Service > 12 hours – Loop	61.03	64.09	61.85	61.8	59.72	61.12	62.08	63.15	65.4	69.02	
MR-4-07-3140	% Out of Service > 12 hours – Platform	61.03	61.78	61.85	63.76	59.72	63.93	62.08	67.36	65.4	67.5	
MR-4-08-3112	% Out of Service > 24 Hours – Loop	22.66	18.21	19.48	19.63	17.2	21.21	19.09	20.36	27.08	23.1	
MR-4-08-3140	% Out of Service > 24 Hours – Platform	22.66	18.52	19.48	14.9	17.2	12.41	19.09	15.46	27.08	22.44	
MR-5 - Repeat Trouble Reports												
MR-5-01-3112	% Repeat Reports within 30 Days – Loop	13.62	19.06	13.44	16.92	13.6	21.11	14.19	19.48	14.92	17.53	
MR-5-01-3140	% Repeat Reports within 30 Days – Platform	13.62	15	13.44	14.48	13.6	14.41	14.19	14.61	14.92	15.27	
Complex Services - 2 Wire Digital												
MR-2 - Trouble Report Rate												
MR-2-02-3341	Network Trouble Report Rate – Loop	0.28	0.56	0.29	0.68	0.32	0.81	0.34	0.77	0.32	0.73	
MR-2-03-3341	Network Trouble Report Rate – Central Office	0.11	0.12	0.12	0.16	0.11	0.08	0.12	0	0.08	0.2	
MR-2-04-3341	% Subsequent Reports	13.09	0	8.02	0	11.94	0	5.91	0	8.89	0	
MR-3 - Missed Repair Appointments												
MR-3-01-3341	% Missed Repair Appointment – Loop	32.77	7.14	37.19	0	35.11	5	30.99	0	38.93	0	
MR-3-02-3341	% Missed Repair Appointment – Central Office	19.15	0	13.73	0	8.7	0	10.2	NA	21.21	0	1,2,3,5
MR-4 - Trouble Duration Intervals												
MR-4-01-3341	Mean Time To Repair – Total	21.21	20.69	19.59	19.87	21.1	29.33	14.8	25.89	22.64	17.66	
MR-4-02-3341	Mean Time to Repair – Loop Trouble	24.63	23.11	24.57	23.26	24.62	32.02	16.78	25.89	25.02	21.16	
MR-4-03-3341	Mean Time To Repair – Central Office Trouble	12.53	9.43	7.77	5.47	11.09	2.4	9.08	NA	13.17	5.05	1,2,3,5
MR-4-07-3341	% Out of Service > 12 hours	57.45	70.59	54.22	70.59	50.98	76.19	50.67	91.67	55.06	57.89	
MR-4-08-3341	% Out of Service > 24 Hours	28.72	17.65	30.12	5.88	31.37	28.57	18.67	41.67	24.72	21.05	
MR-5 - Repeat Trouble Reports												
MR-5-01-3341	% Repeat Reports within 30 Days	13.25	11.76	29.65	19.05	21.47	40.91	17.8	21.05	21.95	13.04	
Complex Services - 2 Wire xDSL Loops												
MR-2 - Trouble Report Rate												
MR-2-02-3342	Network Trouble Report Rate – Loop	0.07	0.32	0.09	0.27	0.09	0.34	0.14	0.43	0.18	0.28	
MR-2-03-3342	Network Trouble Report Rate – Central Office	0.03	0.03	0.04	0.02	0.03	0.04	0.05	0.02	0.05	0.05	
MR-3 - Missed Repair Appointments												
MR-3-01-3342	% Missed Repair Appointment – Loop	12.94	4.48	20	4.11	26.26	5.41	15.69	5.1	25.45	7.69	

PENNSYLVANIA PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
MR-3-02-3342	% Missed Repair Appointment – Central Office	14.29	0	5.62	0	22.83	0	14.68	0	15.93	7.69	1,4
MR-4-02-3342	Mean Time to Repair – Loop Trouble	37.37	23.96	29.04	23.5	32.87	24.84	38.38	15.56	38.03	23.71	
MR-4-03-3342	Mean Time To Repair – Central Office Trouble	19.16	1.8	10.46	6.51	22.35	7.51	21.77	5.35	23.15	9.53	1,4
MR-4-07-3342	% Out of Service > 12 hours	71.61	70	66.67	61.33	72.41	66.67	77.82	51.85	81.15	67.74	
MR-4-08-3342	% Out of Service > 24 Hours	27.1	31.43	21.35	28	37.36	30.67	37.1	16.05	40.26	29.03	
MR-5 - Repeat Trouble Reports												
MR-5-01-3342	% Repeat Reports within 30 Days	47.53	18.92	46.08	16.87	44.5	13.64	44.27	21.36	36.94	20.51	
Complex Services - 2 Wire xDSL Line Sharing												
MR-2 - Trouble Report Rate												
MR-2-02-3343	Network Trouble Report Rate – Loop	0.07	0	0.09	0	0.09	0	0.14	0.12	0.18	0.28	
MR-2-03-3343	Network Trouble Report Rate – Central Office	0.03	0.06	0.04	0	0.03	0.12	0.05	0.06	0.05	0	
MR-3 - Missed Repair Appointments												
MR-3-01-3343	% Missed Repair Appointment – Loop	12.94	0	20	NA	26.26	NA	15.69	0	25.45	0	1,4,5
MR-3-02-3343	% Missed Repair Appointment – Central Office	14.29	0	5.62	0	22.83	0	14.68	0	15.93	NA	1,2,3,4
MR-4 - Trouble Duration Intervals												
MR-4-02-3343	Mean Time to Repair – Loop Trouble	37.37	20.53	29.04	NA	32.87	NA	38.38	47.36	38.03	15.31	1,4,5
MR-4-03-3343	Mean Time To Repair – Central Office Trouble	19.16	9.08	10.46	10.22	22.35	14.15	21.77	9.69	23.15	NA	1,2,3,4
MR-4-04-3343	% Cleared (all troubles) within 24 Hours	69.75	100	75.49	75	60.21	100	60.31	66.67	57.06	83.33	1,2,3,4,5
MR-4-07-3343	% Out of Service > 12 hours	71.61	60	66.67	25	72.41	50	77.82	60	81.15	50	1,2,3,4,5
MR-4-08-3343	% Out of Service > 24 Hours	27.1	0	21.35	25	37.36	0	37.1	20	40.26	16.67	1,2,3,4,5
MR-5 - Repeat Trouble Reports												
MR-5-01-3343	% Repeat Reports within 30 Days	47.53	20	46.08	0	44.5	0	44.27	33.33	36.94	33.33	1,2,3,4,5
Special Services - Maintenance												
MR-2 - Trouble Report Rate												
MR-2-01-3200	Network Trouble Report Rate	0.2	1.55	0.25	1.67	0.27	1.79	0.23	3.73	0.27	3.51	
MR-2-05-3200	% CPE/TOK/FOK Trouble Report Rate	0.4	1.7	0.46	1.51	0.5	1.18	0.47	2.32	0.57	2.65	
MR-4 - Trouble Duration Intervals												
MR-4-01-3200	Mean Time To Repair – Total	4.4	5.15	4.63	4.29	5.19	5.13	4.74	5.01	4.76	5.24	
MR-4-02-3200	Mean Time to Repair – Loop Trouble	4.94	5.31	5.32	5.03	5.66	5.1	5.21	5.28	5.6	5.53	

PENNSYLVANIA PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
MR-4-04-3200	% Cleared (all troubles) within 24 Hours	99.76	100	98.29	100	98.59	99.08	98.51	99.32	98.4	100	
MR-4-06-3200	% Out of Service > 4 hours	40.66	55.71	38.86	46.67	47.7	49.45	42.13	44.09	42.27	58.33	
MR-4-07-3200	% Out of Service > 12 hours	4.73	4.29	5.14	1.33	6.89	5.49	6.17	7.87	5.68	3.79	
MR-4-08-3200	% Out of Service > 24 Hours	0.24	0	1.71	0	1.41	1.1	1.49	0.79	1.6	0	
MR-5 - Repeat Trouble Reports												
MR-5-01-3200	% Repeat Reports within 30 Days	14.15	13.1	15.62	12.63	17.64	16.51	17.62	13.51	17.2	18.83	
Trunks (Aggregate) - POTS/Special Services												
ORDERING												
OR 1 - Order Confirmation Timeliness												
OR-1-11-5020	Average Firm Order Confirmation (FOC) Time <=192 Forecasted Trunks		1.56		1.07		1		0.85		0.69	
OR-1-12-5020	% On Time FOC <= 192 Forecasted Trunks		100		100		100		100		100	
OR-1-13-5000	% On Time Design Layout Record (DLR)		100		100		100		100		100	1,2,3,5
OR-2 - Reject Timeliness												
OR-2-11-5020	Average Trunk ASR Reject Time <= 192 Forecasted Trunks		2		1		2		1		NA	
OR-2-12-5020	% On Time Trunk ASR Reject <= 192 Forecasted Trunks		100		100		100		100		NA	1,2,3,4
PROVISIONING												
PR-2 - Average Interval Completed												
PR-2-09-5020	Average Interval Completed – Total <= 192 Forecasted Trunks	9.84	5	11.65	10.57	8.83	11.5	11.11	9	11.5	10	1,2,3,5
PR-2-09-5030	Average Interval Completed – Total > 192 Forecasted & Unforecasted	NA	13	7	12	1152	8	NA	NA	NA	9.5	1,2,3,5

PENNSYLVANIA PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
PR-4 - Missed Appointment												
PR-4-01-5000	% Missed Appointment – Verizon – Total	0	0.91	0.35	0.12	0.17	0	0	0	0.27	0	
PR-4-02-5000	Average Delay Days – Total	NA	7	2	9	1	NA	NA	NA	4	NA	
PR-4-03-5000	% Missed Appointment – Customer	35.41	21.21	24.86	27.48	22.27	30.5	21.11	6.77	32.14	21.88	
PR-5 - Facility Missed Orders												
PR-5-01-5000	% Missed Appointment – Verizon – Facilities	0	0	0	0	0	0	0	0	0	0	
PR-5-02-5000	% Orders Held for Facilities > 15 Days	0	0	0	0	0	0	0	0	0	0	
PR-5-03-5000	% Orders Held for Facilities > 60 Days	0	0	0	0	0	0	0	0	0	0	
PR-6 - Installation Quality												
PR-6-01-5000	% Installation Troubles reported within 30 Days	0	0	0.01	0.01	0.01	0	0	0	0.02	0	
PR-6-03-5000	% Inst. Troubles reported within 30 Days – FOK/TOK/CPE	0	0	0	0	0	0	0	0	0	0	
MAINTENANCE												
MR-2 - Trouble Report Rate												
MR-2-01-5000	Network Trouble Report Rate – Total	0	0	0	0	0	0	0	0	0	0	
MR-4 - Trouble Duration Intervals												
MR-4-01-5000	Mean Time To Repair – Total	47.74	1.16	0.91	1.04	0.94	NA	56.99	NA	3.14	NA	2
MR-4-04-5000	% Cleared (all troubles) within 24 Hours	94.12	100	100	100	100	NA	85.71	NA	100	NA	2
MR-4-05-5000	% Out of Service > 2 Hours	23.53	25	5.56	14.29	0	NA	14.29	NA	22.22	NA	2
MR-4-06-5000	% Out of Service > 4 hours	5.88	0	0	0	0	NA	14.29	NA	22.22	NA	2
MR-4-07-5000	% Out of Service > 12 hours	5.88	0	0	0	0	NA	14.29	NA	11.11	NA	2
MR-4-08-5000	% Out of Service > 24 Hours	5.88	0	0	0	0	NA	14.29	NA	0	NA	2
MR-5 - Repeat Trouble Report Rates												
MR-5-01-5000	% Repeat Reports within 30 Days	5.88	5	5.56	0	0	NA	14.29	NA	0	NA	2

PENNSYLVANIA PERFORMANCE METRIC DATA

Metric Number	Metric Name	February		March		April		May		June		Notes
		VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	VZ	CLEC	
NETWORK PERFORMANCE												
NP-1 - Percent Final Trunk Group Blockage												
NP-1-01-5400	% FTG Exceeding Blocking Standard – Dedicated Final Trunks		1.08		0		1.04		0.98		1	
NP-1-02-5400	% FTG Exceeding Blocking Standard (No Exceptions) – Dedicated Final Trunks		5.95		4.21		3.63		3.43		2.5	
NP-1-03-5400	Number Dedicated FTG Exceeding Blocking Standard – 2 Months		0		0		0		1		0	
NP-1-04-5400	Number Dedicated FTG Exceeding Blocking Standard – 3 Months		0		0		0		0		0	

Abbreviations: NA = No Activity.
UD = Under Development.
NEF = No Existing Functionality
blank cell = No data provided.
VZ = Verizon retail analog. If no data was provided, the metric may have a benchmark.

Notes: 1 = Sample Size under 10 for February.
2 = Sample Size under 10 for March.
3 = Sample Size under 10 for April.
4 = Sample Size under 10 for May.
5 = Sample Size under 10 for June.

Appendix F
Statutory Requirements

I. STATUTORY FRAMEWORK

1. The 1996 Act conditions BOC entry into the market for provision of in-region interLATA services on compliance with certain provisions of section 271.[1] BOCs must apply to the Federal Communications Commission (Commission or FCC) for authorization to provide interLATA services originating in any in-region state.[2] The Commission must issue a written determination on each application no later than 90 days after receiving such application.[3] Section 271(d)(2)(A) requires the Commission to consult with the Attorney General before making any determination approving or denying a section 271 application. The Attorney General is entitled to evaluate the application "using any standard the Attorney General considers appropriate," and the Commission is required to "give substantial weight to the Attorney General's evaluation."[4]

2. In addition, the Commission must consult with the relevant state commission to verify that the BOC has one or more state-approved interconnection agreements with a facilities-based competitor, or a Statement of Generally Available Terms and Conditions (SGAT), and that either the agreement(s) or general statement satisfy the "competitive checklist."[5] Because the Act does not prescribe any standard for the consideration of a state commission's verification under section 271(d)(2)(B), the Commission has discretion in each section 271 proceeding to

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[1] For purposes of section 271 proceedings, the Commission uses the definition of the term "Bell Operating Company" contained in 47 U.S.C. § 153(4).

[2] 47 U.S.C. § 271(d)(1). For purposes of section 271 proceedings, the Commission utilizes the definition of the term "in-region state" that is contained in 47 U.S.C. § 271(i)(1). Section 271(j) provides that a BOC's in-region services include 800 service, private line service, or their equivalents that terminate in an in-region state of that BOC and that allow the called party to determine the interLATA carrier, even if such services originate out-of-region. *Id.* § 271(j). The 1996 Act defines "interLATA services" as "telecommunications between a point located in a local access and transport area and a point located outside such area." *Id.* § 153(21). Under the 1996 Act, a "local access and transport area" (LATA) is "a contiguous geographic area (A) established before the date of enactment of the [1996 Act] by a [BOC] such that no exchange area includes points within more than 1 metropolitan statistical area, consolidated metropolitan statistical area, or State, except as expressly permitted under the AT&T Consent Decree; or (B) established or modified by a [BOC] after such date of enactment and approved by the Commission." *Id.* § 153(25). LATAs were created as part of the Modification of Final Judgment's (MFJ) "plan of reorganization." *United States v. Western Elec. Co.*, 569 F. Supp. 1057 (D.D.C. 1983), *aff'd sub nom. California v. United States*, 464 U.S. 1013 (1983). Pursuant to the MFJ, "all [BOC] territory in the continental United States [was] divided into LATAs, generally centering upon a city or other identifiable community of interest." *United States v. Western Elec. Co.*, 569 F. Supp. 990, 993-94 (D.D.C. 1983).

[3] 47 U.S.C. § 271(d)(3).

[4] *Id*. § 271(d)(2)(A).

[5] *Id*. § 271(d)(2)(B).

determine the amount of weight to accord the state commission's verification.[6] The Commission has held that, although it will consider carefully state determinations of fact that are supported by a detailed and extensive record, it is the FCC's role to determine whether the factual record supports the conclusion that particular requirements of section 271 have been met.[7]

3. Section 271 requires the Commission to make various findings before approving BOC entry. In order for the Commission to approve a BOC's application to provide in-region, interLATA services, a BOC must first demonstrate, with respect to each state for which it seeks authorization, that it satisfies the requirements of either section 271(c)(1)(A) (Track A) or 271(c)(1)(B) (Track B).[8] In order to obtain authorization under section 271, the BOC must also show that: (1) it has "fully implemented the competitive checklist" contained in section 271(c)(2)(B);[9] (2) the requested authorization will be carried out in accordance with the requirements of section 272;[10] and (3) the BOC's entry into the in-region interLATA market is "consistent with the public interest, convenience, and necessity."[11] The statute specifies that, unless the Commission finds that these criteria have been satisfied, the Commission "shall not approve" the requested authorization.[12]

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6 *Bell Atlantic New York Order*, 15 FCC Rcd at 3962, para. 20; *Application of Ameritech Michigan Pursuant to Section 271 of the Communications Act of 1934, as amended*, CC Docket No. 97-137, 12 FCC Rcd 20543, 20559-60 (1997) (*Ameritech Michigan Order*). As the D.C. Circuit has held, "[a]lthough the Commission must consult with the state commissions, the statute does not require the Commission to give State Commissions' views any particular weight." *SBC Communications Inc. v. FCC*, 138 F.3d 410, 416 (D.C. Cir. 1998).

7 *Ameritech Michigan Order*, 12 FCC Rcd at 20560; *SBC Communications v. FCC*, 138 F.3d at 416-17.

8 47 U.S.C. § 271(d)(3)(A). *See* Section III, *infra*, for a complete discussion of Track A and Track B requirements.

9 *Id.* §§ 271(c)(2)(B), 271(d)(3)(A)(i).

10 *Id.* § 272; *see Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, as amended*, CC Docket No. 96-149, First Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 21905 (1996) (*Non-Accounting Safeguards Order*), *recon.*, Order on Reconsideration, 12 FCC Rcd 2297 (1997), *review pending sub nom.*, *SBC Communications v. FCC*, No. 97-1118 (D.C. Cir., filed Mar. 6, 1997) (held in abeyance pursuant to court order filed May 7, 1997), *remanded in part sub nom.*, *Bell Atlantic Telephone Companies v. FCC*, No. 97-1067 (D.C. Cir., filed Mar. 31, 1997), *on remand*, Second Order on Reconsideration, FCC 97-222 (rel. June 24, 1997), *petition for review denied sub nom. Bell Atlantic Telephone Companies v. FCC*, 113 F.3d 1044 (D.C. Cir. 1997); *Implementation of the Telecommunications Act of 1996; Accounting Safeguards Under the Telecommunications Act of 1996*, Report and Order, 11 FCC Rcd 17539 (1996).

11 47 U.S.C. § 271(d)(3)(C).

12 *Id*. § 271(d)(3); *see SBC Communications, Inc. v. FCC*, 138 F.3d at 416.

II. PROCEDURAL AND ANALYTICAL FRAMEWORK

4. To determine whether a BOC applicant has met the prerequisites for entry into the long distance market, the Commission evaluates its compliance with the competitive checklist, as developed in the FCC's local competition rules and orders in effect at the time the application was filed. Despite the comprehensiveness of these rules, there will inevitably be, in any section 271 proceeding, disputes over an incumbent LEC's precise obligations to its competitors that FCC rules have not addressed and that do not involve *per se* violations of self-executing requirements of the Act. As explained in prior orders, the section 271 process simply could not function as Congress intended if the Commission were required to resolve all such disputes as a precondition to granting a section 271 application.[13] In the context of section 271's adjudicatory framework, the Commission has established certain procedural rules governing BOC section 271 applications.[14] The Commission has explained in prior orders the procedural rules it has developed to facilitate the review process.[15] Here we describe how the Commission considers the evidence of compliance that the BOC presents in its application.

5. As part of the determination that a BOC has satisfied the requirements of section 271, the Commission considers whether the BOC has fully implemented the competitive checklist in subsection (c)(2)(B). The BOC at all times bears the burden of proof of compliance with section 271, even if no party challenges its compliance with a particular requirement.[16] In demonstrating its compliance, a BOC must show that it has a concrete and specific legal obligation to furnish the item upon request pursuant to state-approved interconnection agreements that set forth prices and other terms and conditions for each checklist item, and that it is currently furnishing, or is ready to furnish, the checklist items in quantities that competitors may reasonably demand and at an acceptable level of quality.[17] In particular, the BOC must demonstrate that it is offering interconnection and access to network elements on a

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[13] *See SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6246, para. 19; *see also American Tel. & Tel. Co. v. FCC*, 220 F.3d 607, 631 (D.C. Cir. 2000).

[14] *See Procedures for Bell Operating Company Applications Under New Section 271 of the Communications Act*, Public Notice, 11 FCC Rcd 19708, 19711 (1996); *Revised Comment Schedule For Ameritech Michigan Application, as amended, for Authorization Under Section 271 of the Communications Act to Provide In-Region, InterLATA Services in the State of Michigan*, Public Notice, DA 97-127 (rel. Jan. 17, 1997); *Revised Procedures for Bell Operating Company Applications Under Section 271 of the Communications Act*, Public Notice, 13 FCC Rcd 17457 (1997); *Updated Filing Requirements for Bell Operating Company Applications Under Section 271 of the Communications Act*, Public Notice, DA 99-1994 (rel. Sept. 28, 1999); *Updated Filing Requirements for Bell Operating Company Applications Under Section 271 of the Communications Act*, Public Notice, DA 01-734 (CCB rel. Mar. 23, 2001) (collectively "271 Procedural Public Notices").

[15] *See, e.g.*, *SWBT Kansas/Oklahoma Order* 16 FCC Rcd at 6247-50, paras. 21-27; *SWBT Texas Order*, 15 FCC Rcd at 18370-73, paras. 34-42; *Bell Atlantic New York Order*, 15 FCC Rcd at 3968-71, paras. 32-42.

[16] *See SWBT Texas Order*, 15 FCC Rcd at 18374, para. 46; *Bell Atlantic New York Order*, 15 FCC Rcd at 3972, para. 46.

[17] *See Bell Atlantic New York Order*, 15 FCC Rcd at 3973-74, para. 52.

nondiscriminatory basis.[18] Previous Commission orders addressing section 271 applications have elaborated on this statutory standard.[19] First, for those functions the BOC provides to competing carriers that are analogous to the functions a BOC provides to itself in connection with its own retail service offerings, the BOC must provide access to competing carriers in "substantially the same time and manner" as it provides to itself.[20] Thus, where a retail analogue exists, a BOC must provide access that is equal to (i.e., substantially the same as) the level of access that the BOC provides itself, its customers, or its affiliates, in terms of quality, accuracy, and timeliness.[21] For those functions that have no retail analogue, the BOC must demonstrate that the access it provides to competing carriers would offer an efficient carrier a "meaningful opportunity to compete."[22]

6. The determination of whether the statutory standard is met is ultimately a judgment the Commission must make based on its expertise in promoting competition in local markets and in telecommunications regulation generally.[23] The Commission has not established, nor does it believe it appropriate to establish, specific objective criteria for what constitutes "substantially the same time and manner" or a "meaningful opportunity to compete."[24] Whether this legal standard is met can only be decided based on an analysis of specific facts and circumstances. Therefore, the Commission looks at each application on a case-by-case basis and considers the totality of the circumstances, including the origin and quality of the information in the record, to determine whether the nondiscrimination requirements of the Act are met.

A. Performance Data

7. As established in prior section 271 orders, the Commission has found that performance measurements provide valuable evidence regarding a BOC's compliance or noncompliance with individual checklist items. The Commission expects that, in its *prima facie* case in the initial application, a BOC relying on performance data will:

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[18] *See* 47 U.S.C. § 271(c)(2)(B)(i), (ii).

[19] *See SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6250-51, paras. 28-29; *Bell Atlantic New York Order*, 15 FCC Rcd at 3971-72, paras. 44-46.

[20] *SWBT Texas Order*, 15 FCC Rcd at 18373, para. 44; *Bell Atlantic New York Order*, 15 FCC Rcd at 3971, para. 44.

[21] *Bell Atlantic New York Order*, 15 FCC Rcd at 3971, para. 44; *Ameritech Michigan Order*, 12 FCC Rcd at 20618-19.

[22] *Id.*

[23] *SWBT Texas Order*, 15 FCC Rcd at 18374, para. 46; *Bell Atlantic New York Order*, 15 FCC Rcd at 3972, para. 46.

[24] *Id.*

a) provide sufficient performance data to support its contention that the statutory requirements are satisfied;

b) identify the facial disparities between the applicant's performance for itself and its performance for competitors;

c) explain why those facial disparities are anomalous, caused by forces beyond the applicant's control (e.g., competing carrier-caused errors), or have no meaningful adverse impact on a competing carrier's ability to obtain and serve customers; and

d) provide the underlying data, analysis, and methodologies necessary to enable the Commission and commenters meaningfully to evaluate and contest the validity of the applicant's explanations for performance disparities, including, for example, carrier specific carrier-to-carrier performance data.

8. The Commission has explained in prior orders that parity and benchmark standards established by state commissions do not represent absolute maximum or minimum levels of performance necessary to satisfy the competitive checklist. Rather, where these standards are developed through open proceedings with input from both the incumbent and competing carriers, these standards can represent informed and reliable attempts to objectively approximate whether competing carriers are being served by the incumbent in substantially the same time and manner, or in a way that provides them a meaningful opportunity to compete.[25] Thus, to the extent there is no statistically significant difference between a BOC's provision of service to competing carriers and its own retail customers, the Commission generally need not look any further. Likewise, if a BOC's provision of service to competing carriers satisfies the performance benchmark, the analysis is usually done. Otherwise, the Commission will examine the evidence further to make a determination whether the statutory nondiscrimination requirements are met.[26] Thus, the Commission will examine the explanations that a BOC and others provide about whether these data accurately depict the quality of the BOC's performance. The Commission also may examine how many months a variation in performance has existed and what the recent trend has been. The Commission may find that statistically significant differences exist, but conclude that such differences have little or no competitive significance in the marketplace. In such cases, the Commission may conclude that the differences are not meaningful in terms of statutory compliance. Ultimately, the determination of whether a BOC's performance meets the statutory requirements necessarily is a contextual decision based on the totality of the circumstances and information before the Commission.

9. Where there are multiple performance measures associated with a particular checklist item, the Commission would consider the performance demonstrated by all the measurements as a whole. Accordingly, a disparity in performance for one measure, by itself,

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[25] *See SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6252, para. 31; *SWBT Texas Order*, 15 FCC Rcd at 18377, para. 55 & n.102.

[26] *See Bell Atlantic New York Order*, 15 FCC Rcd at 3970, para. 59.

may not provide a basis for finding noncompliance with the checklist. The Commission may also find that the reported performance data are affected by factors beyond a BOC's control, a finding that would make it less likely to hold the BOC wholly accountable for the disparity. This is not to say, however, that performance discrepancies on a single performance metric are unimportant. Indeed, under certain circumstances, disparity with respect to one performance measurement may support a finding of statutory noncompliance, particularly if the disparity is substantial or has endured for a long time, or if it is accompanied by other evidence of discriminatory conduct or evidence that competing carriers have been denied a meaningful opportunity to compete.

10. In sum, the Commission does not use performance measurements as a substitute for the 14-point competitive checklist. Rather, it uses performance measurements as valuable evidence with which to inform the judgment as to whether a BOC has complied with the checklist requirements. Although performance measurements add necessary objectivity and predictability to the review, they cannot wholly replace the Commission's own judgment as to whether a BOC has complied with the competitive checklist.

B. Relevance of Previous Section 271 Approvals

11. In some section 271 applications, the volumes of the BOC's commercial orders may be significantly lower than they were in prior proceedings. In certain instances, volumes may be so low as to render the performance data inconsistent and inconclusive.[27] Performance data based on low volumes of orders or other transactions are not as reliable an indicator of checklist compliance as performance based on larger numbers of observations. Indeed, where performance data are based on a low number of observations, small variations in performance may produce wide swings in the reported performance data. It is thus not possible to place the same evidentiary weight upon – and to draw the same types of conclusions from – performance data where volumes are low, as for data based on more robust activity.

12. In such cases, findings in prior, related section 271 proceedings may be a relevant factor in the Commission's analysis. Where a BOC provides evidence that a particular system reviewed and approved in a prior section 271 proceeding is also used in the proceeding at hand, the Commission's review of the same system in the current proceeding will be informed by the findings in the prior one. Indeed, to the extent that issues have already been briefed, reviewed and resolved in a prior section 271 proceeding, and absent new evidence or changed circumstances, an application for a related state should not be a forum for re-litigating and reconsidering those issues. Appropriately employed, such a practice can give us a fuller picture of the BOC's compliance with the section 271 requirements while avoiding, for all parties

[27] The Commission has never required, however, an applicant to demonstrate that it processes and provisions a substantial commercial volume of orders, or has achieved a specific market share in its service area, as a prerequisite for satisfying the competitive checklist. *See Ameritech Michigan Order*, 12 FCC Rcd at 20585, para. 77 (explaining that Congress had considered and rejected language that would have imposed a "market share" requirement in section 271(c)(1)(A)).

involved in the section 271 process, the delay and expense associated with redundant and unnecessary proceedings and submissions.

13. However, the statute requires the Commission to make a separate determination of checklist compliance for each state and, accordingly, we do not consider any finding from previous section 271 orders to be dispositive of checklist compliance in current proceedings. While the Commission's review may be informed by prior findings, the Commission will consider all relevant evidence in the record, including state-specific factors identified by commenting parties, the states, the Department of Justice. However, the Commission has always held that an applicant's performance towards competing carriers in an actual commercial environment is the best evidence of nondiscriminatory access to OSS and other network elements.[28] Thus, the BOC's actual performance in the applicant state may be relevant to the analysis and determinations with respect to the 14 checklist items. Evidence of satisfactory performance in another state cannot trump convincing evidence that an applicant fails to provide nondiscriminatory access to a network element in the applicant state.

14. Moreover, because the Commission's review of a section 271 application must be based on a snapshot of a BOC's recent performance at the time an application is filed, the Commission cannot simply rely on findings relating to an applicant's performance in an anchor state at the time it issued the determination for that state. The performance in that state could change due to a multitude of factors, such as increased order volumes or shifts in the mix of the types of services or UNEs requested by competing carriers. Thus, even when the applicant makes a convincing showing of the relevance of anchor state data, the Commission must examine how recent performance in that state compares to performance at the time it approved that state's section 271 application, in order to determine if the systems and processes continue to perform at acceptable levels.

III. COMPLIANCE WITH ENTRY REQUIREMENTS – SECTIONS 271(c)(1)(A) & 271(c)(1)(B)

15. As noted above, in order for the Commission to approve a BOC's application to provide in-region, interLATA services, a BOC must first demonstrate that it satisfies the requirements of either section 271(c)(1)(A) (Track A) or 271(c)(1)(B) (Track B).[29] To qualify for Track A, a BOC must have interconnection agreements with one or more competing providers of "telephone exchange service . . . to residential and business subscribers."[30] The Act states that "such telephone service may be offered . . . either exclusively over [the competitor's] own telephone exchange service facilities or predominantly over [the competitor's] own telephone exchange facilities in combination with the resale of the telecommunications services

[28] *See SWBT Texas Order*, 15 FCC Rcd at 18376, para. 53; *Bell Atlantic New York Order*, 15 FCC Rcd at 3974, para. 53.

[29] *See* 47 U.S.C. § 271(d)(3)(A).

[30] *Id*.

of another carrier."[31] The Commission concluded in the *Ameritech Michigan Order* that section 271(c)(1)(A) is satisfied if one or more competing providers collectively serve residential and business subscribers.[32]

16. As an alternative to Track A, Section 271(c)(1)(B) permits BOCs to obtain authority to provide in-region, interLATA services if, after 10 months from the date of enactment, no facilities-based provider, as described in subparagraph (A), has requested the access and interconnection arrangements described therein (referencing one or more binding agreements approved under Section 252), but the state has approved an SGAT that satisfies the competitive checklist of subsection (c)(2)(B). Under section 271(d)(3)(A)(ii), the Commission shall not approve such a request for in-region, interLATA service unless the BOC demonstrates that, "with respect to access and interconnection generally offered pursuant to [an SGAT], such statement offers all of the items included in the competitive checklist."[33] Track B, however, is not available to a BOC if it has already received a request for access and interconnection from a prospective competing provider of telephone exchange service.[34]

IV. COMPLIANCE WITH THE COMPETITIVE CHECKLIST – SECTION 271(c)(2)(B)

A. Checklist Item 1 – Interconnection

17. Section 271(c)(2)(B)(i) of the Act requires a section 271 applicant to provide "[i]nterconnection in accordance with the requirements of sections 251(c)(2) and 252(d)(1)."[35] Section 251(c)(2) imposes a duty on incumbent LECs "to provide, for the facilities and equipment of any requesting telecommunications carrier, interconnection with the local exchange carrier's network . . . for the transmission and routing of telephone exchange service and exchange access."[36] In the *Local Competition First Report and Order*, the Commission concluded that interconnection referred "only to the physical linking of two networks for the

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[31] *Id*.

[32] *See Ameritech Michigan Order*, 12 FCC Rcd at 20589, para. 85; *see also Second BellSouth Louisiana Order*, 13 FCC Rcd at 20633-35, paras. 46-48.

[33] 47 U.S.C. § 271(d)(3)(A)(ii).

[34] *See Ameritech Michigan Order*, 12 FCC Rcd at 20561-62, para. 34. Nevertheless, the above-mentioned foreclosure of Track B as an option is subject to limited exceptions. *See* 47 U.S.C. § 271(c)(1)(B); *see also Ameritech Michigan Order*, 12 FCC Rcd at 20563-64, paras. 37-38.

[35] 47 U.S.C. § 271(c)(2)(B)(i); *see Bell Atlantic New York Order*, 15 FCC Rcd at 3977-78, para. 63; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20640, para. 61; *Ameritech Michigan Order*, 12 FCC Rcd at 20662, para. 222.

[36] 47 U.S.C. § 251(c)(2)(A).

mutual exchange of traffic."[37] Section 251 contains three requirements for the provision of interconnection. First, an incumbent LEC must provide interconnection "at any technically feasible point within the carrier's network."[38] Second, an incumbent LEC must provide interconnection that is "at least equal in quality to that provided by the local exchange carrier to itself."[39] Finally, the incumbent LEC must provide interconnection "on rates, terms, and conditions that are just, reasonable, and nondiscriminatory, in accordance with the terms of the agreement and the requirements of [section 251] and section 252."[40]

18. To implement the equal-in-quality requirement in section 251, the Commission's rules require an incumbent LEC to design and operate its interconnection facilities to meet "the same technical criteria and service standards" that are used for the interoffice trunks within the incumbent LEC's network.[41] In the *Local Competition First Report and Order*, the Commission identified trunk group blockage and transmission standards as indicators of an incumbent LEC's technical criteria and service standards.[42] In prior section 271 applications, the Commission concluded that disparities in trunk group blockage indicated a failure to provide interconnection to competing carriers equal-in-quality to the interconnection the BOC provided to its own retail operations.[43]

19. In the *Local Competition First Report and Order*, the Commission concluded that the requirement to provide interconnection on terms and conditions that are "just, reasonable, and nondiscriminatory" means that an incumbent LEC must provide interconnection to a competitor in a manner no less efficient than the way in which the incumbent LEC provides the

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[37] *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996*, First Report and Order, 11 FCC Rcd 15499, 15590, para. 176 (1996) (*Local Competition First Report and Order*). Transport and termination of traffic are therefore excluded from the Commission's definition of interconnection. *See id.*

[38] 47 U.S.C. § 251(c)(2)(B). In the *Local Competition First Report and Order*, the Commission identified a minimum set of technically feasible points of interconnection. *See Local Competition First Report and Order*, 11 FCC Rcd at 15607-09, paras. 204-11.

[39] 47 U.S.C. § 251(c)(2)(C).

[40] *Id*. § 251(c)(2)(D).

[41] *Local Competition First Report and Order*, 11 FCC Rcd at 15613-15, paras. 221-225; *see Bell Atlantic New York Order*, 15 FCC Rcd at 3978, para. 64; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20641-42, paras. 63-64.

[42] *Local Competition First Report and Order*, 11 FCC Rcd at 15614-15, paras. 224-25.

[43] *See Bell Atlantic New York Order*, 15 FCC Rcd at 3978, para. 64; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20648-50, paras. 74-77; *Ameritech Michigan Order*, 12 FCC Rcd at 20671-74, paras. 240-45. The Commission has relied on trunk blockage data to evaluate a BOC's interconnection performance. Trunk group blockage indicates that end users are experiencing difficulty completing or receiving calls, which may have a direct impact on the customer's perception of a competitive LEC's service quality.

comparable function to its own retail operations.[44] The Commission's rules interpret this obligation to include, among other things, the incumbent LEC's installation time for interconnection service[45] and its provisioning of two-way trunking arrangements.[46] Similarly, repair time for troubles affecting interconnection trunks is useful for determining whether a BOC provides interconnection service under "terms and conditions that are no less favorable than the terms and conditions" the BOC provides to its own retail operations.[47]

20. Competing carriers may choose any method of technically feasible interconnection at a particular point on the incumbent LEC's network.[48] Incumbent LEC provision of interconnection trunking is one common means of interconnection. Technically feasible methods also include, but are not limited to, physical and virtual collocation and meet point arrangements.[49] The provision of collocation is an essential prerequisite to demonstrating compliance with item 1 of the competitive checklist.[50] In the *Advanced Services First Report and Order*, the Commission revised its collocation rules to require incumbent LECs to include shared cage and cageless collocation arrangements as part of their physical collocation offerings.[51] In response to a remand from the D.C. Circuit, the Commission adopted the *Collocation Remand Order*, establishing revised criteria for equipment for which incumbent LECs must permit collocation, requiring incumbent LECs to provide cross-connects between

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[44] *Local Competition First Report and Order*, 11 FCC Rcd at 15612, para. 218; *see also Bell Atlantic New York* Order, 15 FCC Rcd at 3978, para. 65; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20642, para. 65.

[45] 47 C.F.R. § 51.305(a)(5).

[46] The Commission's rules require an incumbent LEC to provide two-way trunking upon request, wherever two-way trunking arrangements are technically feasible. 47 C.F.R. § 51.305(f); *see also Bell Atlantic New York Order*, 15 FCC Rcd at 3978-79, para. 65; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20642, para. 65; *Local Competition First Report and Order*, 11 FCC Rcd 15612-13, paras. 219-20.

[47] 47 C.F.R. § 51.305(a)(5).

[48] *Local Competition First Report and Order*, 11 FCC Rcd at 15779, paras. 549-50; *see Bell Atlantic New York Order*, 15 FCC Rcd at 3979, para. 66; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20640-41, para. 61.

[49] 47 C.F.R. § 51.321(b); *Local Competition First Report and Order*, 11 FCC Rcd at 15779-82, paras. 549-50; *see also Bell Atlantic New York Order*, 15 FCC Rcd at 3979, para. 66; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20640-41, para. 62.

[50] 47 U.S.C. § 251(c)(6) (requiring incumbent LECs to provide physical collocation); *Bell Atlantic New York Order*, 15 FCC Rcd at 3979, para. 66; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20640-41, paras. 61-62.

[51] *Deployment of Wireline Services offering Advanced Telecommunications Capability*, First Report and Order and Further Notice of Proposed Rulemaking, 14 FCC Rcd 4761, 4784-86, paras. 41-43 (1999), *aff'd in part and vacated and remanded in part sub nom. GTE Service Corp. v. FCC*, 205 F.3d 416 (D.C. Cir. 2000), *on recon.*, *Collocation Reconsideration Order*, 15 FCC Rcd 17806 (2000); *on remand*, *Deployment of Wireline Services Offering Advanced Telecommunications Capability*, Fourth Report and Order, 16 FCC Rcd 15435 (2001) (*Collocation Remand Order*), *petition for recon. pending*.

collocated carriers, and establishing principles for physical collocation space and configuration.[52] To show compliance with its collocation obligations, a BOC must have processes and procedures in place to ensure that all applicable collocation arrangements are available on terms and conditions that are "just, reasonable, and nondiscriminatory" in accordance with section 251(c)(6) and the FCC's implementing rules.[53] Data showing the quality of procedures for processing applications for collocation space, as well as the timeliness and efficiency of provisioning collocation space, help the Commission evaluate a BOC's compliance with its collocation obligations.[54]

21. As stated above, checklist item 1 requires a BOC to provide "interconnection in accordance with the requirements of sections 251(c)(2) *and* 252(d)(1)."[55] Section 252(d)(1) requires state determinations regarding the rates, terms, and conditions of interconnection to be based on cost and to be nondiscriminatory, and allows the rates to include a reasonable profit.[56] The Commission's pricing rules require, among other things, that in order to comply with its collocation obligations, an incumbent LEC provide collocation based on TELRIC.[57]

22. To the extent pricing disputes arise, the Commission will not duplicate the work of the state commissions. As noted in the *SWBT Texas Order*, the Act authorizes the state commissions to resolve specific carrier-to-carrier disputes arising under the local competition provisions, and it authorizes the federal district courts to ensure that the results of the state arbitration process are consistent with federal law.[58] Although the Commission has an independent statutory obligation to ensure compliance with the checklist, section 271 does not compel us to preempt the orderly disposition of intercarrier disputes by the state commissions, particularly now that the Supreme Court has restored the Commission's pricing jurisdiction and has thereby directed the state commissions to follow FCC pricing rules in their disposition of those disputes.[59]

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[52] *See Collocation Remand Order*, 16 FCC Rcd at 15441-42, para. 12.

[53] *Bell Atlantic New York Order*, 15 FCC Rcd at 3979, para. 66; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20643, para. 66; *BellSouth Carolina Order*, 13 FCC Rcd at 649-51, para. 62.

[54] *Bell Atlantic New York Order*, 15 FCC Rcd at 3979, para. 66; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20640-41, paras. 61-62.

[55] 47 U.S.C. § 271(c)(2)(B)(i) (emphasis added).

[56] *Id*. § 252(d)(1).

[57] *See* 47 C.F.R. §§ 51.501-07, 51.509(g); *Local Competition First Report and Order*, 11 FCC Rcd at 15812-16, 15844-61, 15874-76, 15912, paras. 618-29, 674-712, 743-51, 826.

[58] *See SWBT Texas Order*, 15 FCC Rcd at 18394, para. 88; *see also* 47 U.S.C. §§ 252(c), (e)(6); *American Tel. & Tel Co. v. Iowa Utils. Bd.*, 525 U.S. 366 (1999) (*AT&T v. Iowa Utils. Bd*.).

[59] *SWBT Texas Order*, 15 FCC Rcd at 18394, para. 88; *AT&T Corp. v. Iowa Utils. Bd*., 525 U.S. at 377-86.

23. Consistent with the Commission's precedent, the mere presence of interim rates will not generally threaten a section 271 application so long as: (1) an interim solution to a particular rate dispute is reasonable under the circumstances; (2) the state commission has demonstrated its commitment to the Commission's pricing rules; and (3) provision is made for refunds or true-ups once permanent rates are set.[60] In addition, the Commission has determined that rates contained within an approved section 271 application, including those that are interim, are reasonable starting points for interim rates for the same carrier in an adjoining state.[61]

24. Although the Commission has been willing to grant a section 271 application with a limited number of interim rates where the above-mentioned three-part test is met, it is clearly preferable to analyze a section 271 application on the basis of rates derived from a permanent rate proceeding.[62] At some point, states will have had sufficient time to complete these proceedings. The Commission will, therefore, become more reluctant to continue approving section 271 applications containing interim rates. It would not be sound policy for interim rates to become a substitute for completing these significant proceedings.

B. Checklist Item 2 – Unbundled Network Elements[63]

1. Access to Operations Support Systems

25. Incumbent LECs use a variety of systems, databases, and personnel (collectively referred to as OSS) to provide service to their customers.[64] The Commission consistently has

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[60] *SWBT Texas Order*, 15 FCC Rcd at 18394, para. 88; *see also Bell Atlantic New York Order*, 15 FCC Rcd at 4091, para. 258 (explaining the Commission's case-by-case review of interim prices).

[61] *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6359-60, para. 239.

[62] *See Bell Atlantic New York Order*, 15 FCC Rcd at 4091, para. 260.

[63] We note that the United States Court of Appeals for the District of Columbia Circuit recently opined in two relevant Commission decisions, *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, Third Report and Order and Fourth Further Notice of Proposed Rulemaking, 15 FCC Rcd 3696 (1999) (*Local Competition Order*) and *Deployment of Wireline Services Offering Advanced Telecommunications Capability and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, Third Report and Order in CC Doc. No. 98-147 and Fourth Report and Order in CC Doc. No. 96-98, 14 FCC Rcd 20912 (1999) (*Line Sharing Order*). *USTA v. FCC*, 290 F.3d 415 (D. C. Cir. 2002), *petition for rehearing and suggestion for rehearing en banc denied Sept. 4, 2002*. The court's decision addressed both our UNE rules and our line sharing rules. The Commission is currently reviewing its UNE rules, *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, 16 FCC Rcd 22781 (2001) *(Triennial Review Notice*). Further, the court stated that "the *Line Sharing Order* must be vacated and remanded." *USTA v. FCC*, 290 F.3d at 429. The court also stated that it "grant[ed] the petitions for review[] and remand[ed] the *Line Sharing Orde*r and the *Local Competition Order* to the Commission for further consideration in accordance with the principles outlined." *Id*. at 430. On September 4, 2002, the D.C. Circuit denied petitions for rehearing filed by the Commission and others. *See Order*, Nos. 00-1012 and 00-1015 (D.C. Circuit, filed Sept. 4, 2002).

[64] *Id*. at 3989-90, para. 83; *BellSouth South Carolina Order*, 13 FCC Rcd at 585.

found that nondiscriminatory access to OSS is a prerequisite to the development of meaningful local competition.[65] For example, new entrants must have access to the functions performed by the incumbent's OSS in order to formulate and place orders for network elements or resale services, to install service to their customers, to maintain and repair network facilities, and to bill customers.[66] The Commission has determined that without nondiscriminatory access to the BOC's OSS, a competing carrier "will be severely disadvantaged, if not precluded altogether, from fairly competing" in the local exchange market.[67]

26. Section 271 requires the Commission to determine whether a BOC offers nondiscriminatory access to OSS functions. Section 271(c)(2)(B)(ii) requires a BOC to provide "nondiscriminatory access to network elements in accordance with the requirements of sections 251(c)(3) and 252(d)(1)."[68] The Commission has determined that access to OSS functions falls squarely within an incumbent LEC's duty under section 251(c)(3) to provide unbundled network elements (UNEs) under terms and conditions that are nondiscriminatory and just and reasonable, and its duty under section 251(c)(4) to offer resale services without imposing any limitations or conditions that are discriminatory or unreasonable.[69] The Commission must therefore examine a BOC's OSS performance to evaluate compliance with section 271(c)(2)(B)(ii) and (xiv).[70] In addition, the Commission has also concluded that the duty to provide nondiscriminatory access to OSS functions is embodied in other terms of the competitive checklist as well.[71] Consistent with prior orders, the Commission examines a BOC's OSS performance directly under checklist items 2 and 14, as well as other checklist terms.[72]

27. As part of its statutory obligation to provide nondiscriminatory access to OSS functions, a BOC must provide access that sufficiently supports each of the three modes of competitive entry envisioned by the 1996 Act – competitor-owned facilities, UNEs, and resale.[73]

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[65] *See Bell Atlantic New York Order*, 15 FCC Rcd at 3990, para. 83; *BellSouth South Carolina Order*, 13 FCC Rcd at 547-48, 585; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20653.

[66] *See Bell Atlantic New York Order*, 15 FCC Rcd at 3990, para. 83.

[67] *Id.*

[68] 47 U.S.C. § 271(c)(2)(B)(ii).

[69] *Bell Atlantic New York Order*, 15 FCC Rcd at 3990, para. 84.

[70] *Id.*

[71] *Id.* As part of a BOC's demonstration that it is "providing" a checklist item (*e.g.*, unbundled loops, unbundled local switching, resale services), it must demonstrate that it is providing nondiscriminatory access to the systems, information, and personnel that support that element or service. An examination of a BOC's OSS performance is therefore integral to the determination of whether a BOC is offering all of the items contained in the competitive checklist. *Id*.

[72] *Id.* at 3990-91, para. 84.

[73] *Id.* at 3991, para. 85.

For OSS functions that are analogous to those that a BOC provides to itself, its customers or its affiliates, the nondiscrimination standard requires the BOC to offer requesting carriers access that is equivalent in terms of quality, accuracy, and timeliness.[74] The BOC must provide access that permits competing carriers to perform these functions in "substantially the same time and manner" as the BOC.[75] The Commission has recognized in prior orders that there may be situations in which a BOC contends that, although equivalent access has not been achieved for an analogous function, the access that it provides is nonetheless nondiscriminatory within the meaning of the statute.[76]

28. For OSS functions that have no retail analogue, the BOC must offer access "sufficient to allow an efficient competitor a meaningful opportunity to compete."[77] In assessing whether the quality of access affords an efficient competitor a meaningful opportunity to compete, the Commission will examine, in the first instance, whether specific performance standards exist for those functions.[78] In particular, the Commission will consider whether appropriate standards for measuring OSS performance have been adopted by the relevant state commission or agreed upon by the BOC in an interconnection agreement or during the implementation of such an agreement.[79] If such performance standards exist, the Commission will evaluate whether the BOC's performance is sufficient to allow an efficient competitor a meaningful opportunity to compete.[80]

29. The Commission analyzes whether a BOC has met the nondiscrimination standard for each OSS function using a two-step approach. First, the Commission determines "whether the BOC has deployed the necessary systems and personnel to provide sufficient access to each of the necessary OSS functions and whether the BOC is adequately assisting competing carriers to understand how to implement and use all of the OSS functions available to

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74 *Id.*

75 *Id.* For example, the Commission would not deem an incumbent LEC to be providing nondiscriminatory access to OSS if limitations on the processing of information between the interface and the back office systems prevented a competitor from performing a specific function in substantially the same time and manner as the incumbent performs that function for itself.

76 *See id.*

77 *Id.* at 3991, para. 86.

78 *Id.*

79 *Id.* As a general proposition, specific performance standards adopted by a state commission in an arbitration decision would be more persuasive evidence of commercial reasonableness than a standard unilaterally adopted by the BOC outside of its interconnection agreement. *Id*. at 20619-20.

80 *See id.* at 3991-92, para. 86.

them."[81] The Commission next assesses "whether the OSS functions that the BOC has deployed are operationally ready, as a practical matter."[82]

30. Under the first inquiry, a BOC must demonstrate that it has developed sufficient electronic (for functions that the BOC accesses electronically) and manual interfaces to allow competing carriers equivalent access to all of the necessary OSS functions.[83] For example, a BOC must provide competing carriers with the specifications necessary for carriers to design or modify their systems in a manner that will enable them to communicate with the BOC's systems and any relevant interfaces.[84] In addition, a BOC must disclose to competing carriers any internal business rules[85] and other formatting information necessary to ensure that a carrier's requests and orders are processed efficiently.[86] Finally, a BOC must demonstrate that its OSS is designed to accommodate both current demand and projected demand for competing carriers' access to OSS functions.[87] Although not a prerequisite, the Commission continues to encourage the use of industry standards as an appropriate means of meeting the needs of a competitive local exchange market.[88]

31. Under the second inquiry, the Commission examines performance measurements and other evidence of commercial readiness to ascertain whether the BOC's OSS is handling

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[81] *Id.* at 3992, para. 87; *Ameritech Michigan Order*, 12 FCC Rcd at 20616; s*ee also Second BellSouth Louisiana Order*, 13 FCC Rcd at 20654; *BellSouth South Carolina Order*, 13 FCC Rcd at 592-93. In making this determination, the Commission "consider[s] all of the automated and manual processes a BOC has undertaken to provide access to OSS functions," including the interface (or gateway) that connects the competing carrier's own operations support systems to the BOC; any electronic or manual processing link between that interface and the BOC's OSS (including all necessary back office systems and personnel); and all of the OSS that a BOC uses in providing network elements and resale services to a competing carrier. *Ameritech Michigan Order*, 12 FCC Rcd at 20615; s*ee also Second BellSouth Louisiana Order*, 13 FCC Rcd at 20654 n.241.

[82] *See Bell Atlantic New York Order*, 15 FCC Rcd at 3992, para. 88.

[83] *Id*. at 3992, para. 87; *see also Ameritech Michigan Order*, 12 FCC Rcd at 20616, para. 136 (The Commission determines "whether the BOC has deployed the necessary systems and personnel to provide sufficient access to each of the necessary OSS functions and whether the BOC is adequately assisting competing carriers to understand how to implement and use all of the OSS functions available to them."). For example, a BOC must provide competing carriers the specifications necessary to design their systems interfaces and business rules necessary to format orders, and demonstrate that systems are scalable to handle current and projected demand. *Id.*

[84] *Id.*

[85] Business rules refer to the protocols that a BOC uses to ensure uniformity in the format of orders and include information concerning ordering codes such as universal service ordering codes (USOCs) and field identifiers (FIDs). *Id.*; *see also Ameritech Michigan Order*, 12 FCC Rcd at 20617 n.335.

[86] *Bell Atlantic New York Order*, 15 FCC Rcd at 3992, para. 88.

[87] *Id.*

[88] *See id.*

current demand and will be able to handle reasonably foreseeable future volumes.[89] The most probative evidence that OSS functions are operationally ready is actual commercial usage.[90] Absent sufficient and reliable data on commercial usage, the Commission will consider the results of carrier-to-carrier testing, independent third-party testing, and internal testing in assessing the commercial readiness of a BOC's OSS.[91] Although the Commission does not require OSS testing, a persuasive test will provide us with an objective means by which to evaluate a BOC's OSS readiness where there is little to no evidence of commercial usage, or may otherwise strengthen an application where the BOC's evidence of actual commercial usage is weak or is otherwise challenged by competitors. The persuasiveness of a third-party review, however, is dependent upon the qualifications, experience and independence of the third party and the conditions and scope of the review itself.[92] If the review is limited in scope or depth or is not independent and blind, the Commission will give it minimal weight. As noted above, to the extent the Commission reviews performance data, it looks at the totality of the circumstances and generally does not view individual performance disparities, particularly if they are isolated and slight, as dispositive of whether a BOC has satisfied its checklist obligations.[93] Individual performance disparities may, nevertheless, result in a finding of checklist noncompliance, particularly if the disparity is substantial or has endured for a long time, or if it is accompanied by other evidence of discriminatory conduct or evidence that competing carriers have been denied a meaningful opportunity to compete.

a. Relevance of a BOC's Prior Section 271 Orders

32. The *SWBT Kansas/Oklahoma Order* specifically outlined a non-exhaustive evidentiary showing that must be made in the initial application when a BOC seeks to rely on evidence presented in another application.[94] First, a BOC's application must explain the extent to which the OSS are "the same" – that is, whether it employs the shared use of a single OSS, or the use of systems that are identical, but separate.[95] To satisfy this inquiry, the Commission looks to whether the relevant states utilize a common set of processes, business rules, interfaces,

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89 *Id.* at 3993, para. 89.

90 *Id.*

91 *Id.*

92 *See id.*; *Ameritech Michigan Order*, 12 FCC Rcd at 20659 (emphasizing that a third-party review should encompass the entire obligation of the incumbent LEC to provide nondiscriminatory access, and, where applicable, should consider the ability of actual competing carriers in the market to operate using the incumbent's OSS access).

93 *See SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6301-02, para. 138.

94 *See id*. at 6286-91, paras. 107-18

95 *See id*. at 6288, para. 111.

systems and, in many instances, even personnel.[96] The Commission will also carefully examine third party reports that demonstrate that the BOC's OSS are the same in each of the relevant states.[97] Finally, where a BOC has discernibly separate OSS, it must demonstrate that its OSS reasonably can be expected to behave in the same manner.[98] Second, unless an applicant seeks to establish only that certain discrete components of its OSS are the same, an applicant must submit evidence relating to *all* aspects of its OSS, including those OSS functions performed by BOC personnel.

b. Pre-Ordering

33. A BOC must demonstrate that: (i) it offers nondiscriminatory access to OSS pre-ordering functions associated with determining whether a loop is capable of supporting xDSL advanced technologies; (ii) competing carriers successfully have built and are using application-to-application interfaces to perform pre-ordering functions and are able to integrate pre-ordering and ordering interfaces;[99] and (iii) its pre-ordering systems provide reasonably prompt response times and are consistently available in a manner that affords competitors a meaningful opportunity to compete.[100]

34. The pre-ordering phase of OSS generally includes those activities that a carrier undertakes to gather and verify the information necessary to place an order.[101] Given that pre-ordering represents the first exposure that a prospective customer has to a competing carrier, it is

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[96] The Commission has consistently held that a BOC's OSS includes both mechanized systems and manual processes, and thus the OSS functions performed by BOC personnel have been part of the FCC's OSS functionality and commercial readiness reviews.

[97] *See SWBT Kansas/Oklahoma Order*, *id*. at 6287, para. 108.

[98] *See id*. at 6288, para. 111.

[99] In prior orders, the Commission has emphasized that providing pre-ordering functionality through an application-to-application interface is essential in enabling carriers to conduct real-time processing and to integrate pre-ordering and ordering functions in the same manner as the BOC. *SWBT Texas Order*, 15 FCC Rcd at 18426, para. 148.

[100] The Commission has held previously that an interface that provides responses in a prompt timeframe and is stable and reliable, is necessary for competing carriers to market their services and serve their customers as efficiently and at the same level of quality as a BOC serves its own customers. *See Bell Atlantic New York Order*, 15 FCC Rcd at 4025 and 4029, paras. 145 and 154.

[101] *See Bell Atlantic New York Order*, 15 FCC Rcd at 4014, para. 129; *see also Second BellSouth Louisiana Order*, 13 FCC Rcd at 20660, para. 94 (referring to "pre-ordering and ordering" collectively as "the exchange of information between telecommunications carriers about current or proposed customer products and services or unbundled network elements or some combination thereof"). In prior orders, the Commission has identified the following five pre-order functions: (1) customer service record (CSR) information; (2) address validation; (3) telephone number information; (4) due date information; (5) services and feature information. *See Bell Atlantic New York Order*, 15 FCC Rcd at 4015, para. 132; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20660, para. 94; *BellSouth South Carolina Order*, 13 FCC Rcd at 619, para. 147.

critical that a competing carrier is able to accomplish pre-ordering activities in a manner no less efficient and responsive than the incumbent.[102] Most of the pre-ordering activities that must be undertaken by a competing carrier to order resale services and UNEs from the incumbent are analogous to the activities a BOC must accomplish to furnish service to its own customers. For these pre-ordering functions, a BOC must demonstrate that it provides requesting carriers access that enables them to perform pre-ordering functions in substantially the same time and manner as its retail operations.[103] For those pre-ordering functions that lack a retail analogue, a BOC must provide access that affords an efficient competitor a meaningful opportunity to compete.[104] In prior orders, the Commission has emphasized that providing pre-ordering functionality through an application-to-application interface is essential in enabling carriers to conduct real-time processing and to integrate pre-ordering and ordering functions in the same manner as the BOC.[105]

(i) Access to Loop Qualification Information

35. In accordance with the *UNE Remand Order*,[106] the Commission requires incumbent carriers to provide competitors with access to all of the same detailed information about the loop that is available to the incumbents,[107] and in the same time frame, so that a competing carrier can make an independent judgment at the pre-ordering stage about whether an end user loop is capable of supporting the advanced services equipment the competing carrier intends to install.[108] Under the *UNE Remand Order*, the relevant inquiry is not whether a BOC's retail arm accesses such underlying information but whether such information exists anywhere in

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[102] *Bell Atlantic New York Order*, 15 FCC Rcd at 4014, para. 129.

[103] *Id.*; *see also BellSouth South Carolina Order*, 13 FCC Rcd at 623-29 (concluding that failure to deploy an application-to-application interface denies competing carriers equivalent access to pre-ordering OSS functions).

[104] *Bell Atlantic New York Order*, 15 FCC Rcd at 4014, para. 129.

[105] *See id.* at 4014, para. 130; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20661-67, para. 105.

[106] *UNE Remand Order*, 15 FCC Rcd at 3885, para. 426 (determining "that the pre-ordering function includes access to loop qualification information").

[107] *See id.* At a minimum, a BOC must provide (1) the composition of the loop material, including both fiber and copper; (2) the existence, location and type of any electronic or other equipment on the loop, including but not limited to, digital loop carrier or other remote concentration devices, feeder/distribution interfaces, bridge taps, load coils, pair-gain devices, disturbers in the same or adjacent binder groups; (3) the loop length, including the length and location of each type of transmission media; (4) the wire gauge(s) of the loop; and (5) the electrical parameters of the loop, which may determine the suitability of the loop for various technologies. *Id.*

[108] As the Commission has explained in prior proceedings, because characteristics of a loop, such as its length and the presence of various impediments to digital transmission, can hinder certain advanced services technologies, carriers often seek to "pre-qualify" a loop by accessing basic loop makeup information that will assist carriers in ascertaining whether the loop, either with or without the removal of the impediments, can support a particular advanced service. *See id.*, 15 FCC Rcd at 4021, para. 140.

a BOC's back office and can be accessed by any of a BOC's personnel.[109] Moreover, a BOC may not "filter or digest" the underlying information and may not provide only information that is useful in provisioning of a particular type of xDSL that a BOC offers.[110] A BOC must also provide loop qualification information based, for example, on an individual address or zip code of the end users in a particular wire center, NXX code or on any other basis that the BOC provides such information to itself. Moreover, a BOC must also provide access for competing carriers to the loop qualifying information that the BOC can itself access manually or electronically. Finally, a BOC must provide access to loop qualification information to competitors within the same time intervals it is provided to the BOC's retail operations or its advanced services affiliate.[111] As the Commission determined in the *UNE Remand Order*, however, "to the extent such information is not normally provided to the incumbent's retail personnel, but can be obtained by contacting back office personnel, it must be provided to requesting carriers within the same time frame that any incumbent personnel are able to obtain such information."[112]

c. Ordering

36. Consistent with section 271(c)(2)(B)(ii), a BOC must demonstrate its ability to provide competing carriers with access to the OSS functions necessary for placing wholesale orders. For those functions of the ordering systems for which there is a retail analogue, a BOC must demonstrate, with performance data and other evidence, that it provides competing carriers with access to its OSS in substantially the same time and manner as it provides to its retail operations. For those ordering functions that lack a direct retail analogue, a BOC must demonstrate that its systems and performance allow an efficient carrier a meaningful opportunity to compete. As in prior section 271 orders, the Commission looks primarily at the applicant's ability to return order confirmation notices, order reject notices, order completion notices and jeopardies, and at its order flow-through rate.[113]

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[109] *UNE Remand Order*, 15 FCC Rcd at 3885-3887, paras. 427-431 (noting that "to the extent such information is not normally provided to the incumbent's retail personnel, but can be obtained by contacting back office personnel, it must be provided to requesting carriers within the same time frame that any incumbent personnel are able to obtain such information.").

[110] *See SWBT Kansas Oklahoma Order*, 16 FCC Rcd at 6292-93, para. 121.

[111] *Id.*

[112] *UNE Remand Order*, 15 FCC Rcd at 3885-3887, paras. 427-31.

[113] *See SWBT Texas Order*, 15 FCC Rcd at 18438, para. 170; *Bell Atlantic New York Order*, 15 FCC Rcd at 4035-39, paras. 163-66. The Commission examines (i) order flow-through rates, (ii) jeopardy notices and (iii) order completion notices using the "same time and manner" standard. The Commission examines order confirmation notices and order rejection notices using the "meaningful opportunity to compete" standard.

d. Provisioning

37. A BOC must provision competing carriers' orders for resale and UNE-P services in substantially the same time and manner as it provisions orders for its own retail customers.[114] Consistent with the approach in prior section 271 orders, the Commission examines a BOC's provisioning processes, as well as its performance with respect to provisioning timeliness (i.e., missed due dates and average installation intervals) and provisioning quality (i.e., service problems experienced at the provisioning stage).[115]

e. Maintenance and Repair

38. A competing carrier that provides service through resale or UNEs remains dependent upon the incumbent LEC for maintenance and repair. Thus, as part of its obligation to provide nondiscriminatory access to OSS functions, a BOC must provide requesting carriers with nondiscriminatory access to its maintenance and repair systems.[116] To the extent a BOC performs analogous maintenance and repair functions for its retail operations, it must provide competing carriers access that enables them to perform maintenance and repair functions "in substantially the same time and manner" as a BOC provides its retail customers.[117] Equivalent access ensures that competing carriers can assist customers experiencing service disruptions using the same network information and diagnostic tools that are available to BOC personnel.[118] Without equivalent access, a competing carrier would be placed at a significant competitive disadvantage, as its customer would perceive a problem with a BOC's network as a problem with the competing carrier's own network.[119]

f. Billing

39. A BOC must provide nondiscriminatory access to its billing functions, which is necessary to enable competing carriers to provide accurate and timely bills to their customers.[120] In making this determination, the Commission assesses a BOC's billing processes and systems,

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[114] *See Bell Atlantic New York*, 15 FCC Rcd at 4058, para. 196. For provisioning timeliness, the Commission looks to missed due dates and average installation intervals; for provisioning quality, the Commission looks to service problems experienced at the provisioning stage.

[115] *Id.*

[116] *Id*. at 4067, para. 212; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20692; *Ameritech Michigan Order*, 12 FCC Rcd at 20613, 20660-61.

[117] *Bell Atlantic New York Order*, 15 FCC Rcd at 4058, para. 196; *see also Second BellSouth Louisiana Order*, 13 FCC Rcd at 20692-93.

[118] *Bell Atlantic New York Order*, 15 FCC Rcd at 4058, para. 196.

[119] *Id*.

[120] *See SWBT Texas Order*, 15 FCC Rcd at 18461, para. 210.

and its performance data. Consistent with prior section 271 orders, a BOC must demonstrate that it provides competing carriers with complete and accurate reports on the service usage of competing carriers' customers in substantially the same time and manner that a BOC provides such information to itself, and with wholesale bills in a manner that gives competing carriers a meaningful opportunity to compete.[121]

g. Change Management Process

40. Competing carriers need information about, and specifications for, an incumbent's systems and interfaces to develop and modify their systems and procedures to access the incumbent's OSS functions.[122] Thus, in order to demonstrate that it is providing nondiscriminatory access to its OSS, a BOC must first demonstrate that it "has deployed the necessary systems and personnel to provide sufficient access to each of the necessary OSS functions and . . . is adequately assisting competing carriers to understand how to implement and use all of the OSS functions available to them."[123] By showing that it adequately assists competing carriers to use available OSS functions, a BOC provides evidence that it offers an efficient competitor a meaningful opportunity to compete.[124] As part of this demonstration, the Commission will give substantial consideration to the existence of an adequate change management process and evidence that the BOC has adhered to this process over time.[125]

41. The change management process refers to the methods and procedures that the BOC employs to communicate with competing carriers regarding the performance of, and changes in, the BOC's OSS.[126] Such changes may include updates to existing functions that impact competing carrier interface(s) upon a BOC's release of new interface software; technology changes that require competing carriers to meet new technical requirements upon a BOC's software release date; additional functionality changes that may be used at the competing carrier's option, on or after a BOC's release date for new interface software; and changes that may be mandated by regulatory authorities.[127] Without a change management process in place, a BOC can impose substantial costs on competing carriers simply by making changes to its systems and interfaces without providing adequate testing opportunities and accurate and timely

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[121] *See id.*; *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6316-17, at para. 163.

[122] *Bell Atlantic New York Order*, 15 FCC Rcd at 3999-4000, para. 102; *First BellSouth Louisiana Order*, 13 FCC Rcd at 6279 n.197; *BellSouth South Carolina Order*, 13 FCC Rcd at 625 n.467; *Ameritech Michigan Order*, 12 FCC Rcd at 20617 n.334; *Local Competition Second Report and Order*, 11 FCC Rcd at 19742.

[123] *Bell Atlantic New York Order*, 15 FCC Rcd at 3999, para. 102.

[124] *Id.* at 3999-4000, para. 102

[125] *Id.* at 4000, para. 102.

[126] *Id.* at 4000, para. 103.

[127] *Id.*

notice and documentation of the changes.[128] Change management problems can impair a competing carrier's ability to obtain nondiscriminatory access to UNEs, and hence a BOC's compliance with section 271(2)(B)(ii).[129]

42. In evaluating whether a BOC's change management plan affords an efficient competitor a meaningful opportunity to compete, the Commission first assesses whether the plan is adequate. In making this determination, it assesses whether the evidence demonstrates: (1) that information relating to the change management process is clearly organized and readily accessible to competing carriers;[130] (2) that competing carriers had substantial input in the design and continued operation of the change management process;[131] (3) that the change management plan defines a procedure for the timely resolution of change management disputes;[132] (4) the availability of a stable testing environment that mirrors production;[133] and (5) the efficacy of the documentation the BOC makes available for the purpose of building an electronic gateway.[134] After determining whether the BOC's change management plan is adequate, the Commission evaluates whether the BOC has demonstrated a pattern of compliance with this plan.[135]

2. UNE Combinations

43. In order to comply with the requirements of checklist item 2, a BOC must show that it is offering "[n]ondiscriminatory access to network elements in accordance with the requirements of section 251(c)(3)."[136] Section 251(c)(3) requires an incumbent LEC to "provide, to any requesting telecommunications carrier . . . nondiscriminatory access to network elements on an unbundled basis at any technically feasible point on rates, terms and conditions that are just, reasonable, and nondiscriminatory."[137] Section 251(c)(3) of the Act also requires incumbent

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[128] *Id.* at 4000, para. 103.

[129] *Id.*

[130] *Id.* at 4002, para. 107.

[131] *Id.* at 4000, para. 104.

[132] *Id.* at 4002, para. 108.

[133] *Id.* at 4002-03, paras. 109-10.

[134] *Id.* at 4003-04, para. 110. In the *Bell Atlantic New York Order*, the Commission used these factors in determining whether Bell Atlantic had an adequate change management process in place. *See id.* at 4004, para. 111. The Commission left open the possibility, however, that a change management plan different from the one implemented by Bell Atlantic may be sufficient to demonstrate compliance with the requirements of section 271. *Id.*

[135] *Id.* at 3999, para. 101, 4004-05, para. 112.

[136] 47 U.S.C. § 271(c)(2)(B)(ii).

[137] *Id.* § 251(c)(3).

LECs to provide UNEs in a manner that allows requesting carriers to combine such elements in order to provide a telecommunications service.[138]

44. In the *Ameritech Michigan Order*, the Commission emphasized that the ability of requesting carriers to use UNEs, as well as combinations of UNEs, is integral to achieving Congress' objective of promoting competition in local telecommunications markets.[139] Using combinations of UNEs provides a competitor with the incentive and ability to package and market services in ways that differ from the BOCs' existing service offerings in order to compete in the local telecommunications market.[140] Moreover, combining the incumbent's UNEs with their own facilities encourages facilities-based competition and allows competing providers to provide a wide array of competitive choices.[141] Because the use of combinations of UNEs is an important strategy for entry into the local telecommunications market, as well as an obligation under the requirements of section 271, the Commission examines section 271 applications to determine whether competitive carriers are able to combine network elements as required by the Act and the Commission's regulations.[142]

3. Pricing of Network Elements

45. Checklist item 2 of section 271 states that a BOC must provide "nondiscriminatory access to network elements in accordance with sections 251(c)(3) and 252(d)(1)" of the Act.[143] Section 251(c)(3) requires incumbent LECs to provide "nondiscriminatory access to network elements on an unbundled basis at any technically feasible point on rates, terms, and conditions that are just, reasonable, and nondiscriminatory."[144] Section 252(d)(1) requires that a state commission's determination of the just and reasonable rates for network elements shall be based on the cost of providing the network elements, shall be

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138 *Id.*

139 *Ameritech Michigan Order*, 12 FCC Rcd at 20718-19; *BellSouth South Carolina Order*, 13 FCC Rcd at 646.

140 *BellSouth South Carolina Order*, 13 FCC Rcd at 646; *see also Local Competition First Report and Order*, 11 FCC Rcd at 15666-68.

141 *Bell Atlantic New York Order*, 15 FCC Rcd at 4077-78, para. 230.

142 *Id. In Iowa Utilities Board v. FCC*, 219 F.3d 744 (8th Cir. 2000), the Eighth Circuit had vacated the Commission's "additional combinations" rules (47 C.F.R. Sections 51-315(c)-(f)). However, on May 13, 2002, the Supreme Court reversed the Eighth Circuit with respect to those rules and remanded the case to the court of appeals "for further proceedings consistent with this opinion." *Verizon Communications Inc. v. FCC*, 122 S.Ct. 1646, 1687. *See also id*. at 1683-87. In response, the Eighth Circuit, on August 21, 2002, vacated its prior opinion insofar as it had vacated the pertinent combinations rules and denied the petitions for review with respect to those rules. *Iowa Utilities Board v. FCC*, 8th Circuit Nos. 96-3321, *et al*., Judgment, filed August 21, 2002.).

143 47 U.S.C. § 271(c)(2)(B)(ii).

144 *Id*. § 251(c)(3).

nondiscriminatory, and may include a reasonable profit.[145] Pursuant to this statutory mandate, the Commission has determined that prices for UNEs must be based on the total element long run incremental cost (TELRIC) of providing those elements.[146] The Commission also promulgated rule 51.315(b), which prohibits incumbent LECs from separating already combined elements before providing them to competing carriers, except on request.[147] The Commission has previously held that it will not conduct a *de novo* review of a state's pricing determinations and will reject an application only if "basic TELRIC principles are violated or the state commission makes clear errors in factual findings on matters so substantial that the end result falls outside the range that the reasonable application of TELRIC principles would produce."[148]

46. Although the U.S. Court of Appeals for the Eighth Circuit stayed the Commission's pricing rules in 1996,[149] the Supreme Court restored the Commission's pricing authority on January 25, 1999, and remanded to the Eighth Circuit for consideration of the merits of the challenged rules.[150] On remand from the Supreme Court, the Eighth Circuit concluded that while TELRIC is an acceptable method for determining costs, certain specific requirements contained within the Commission's pricing rules were contrary to Congressional intent.[151] The Eighth Circuit stayed the issuance of its mandate pending review by the Supreme Court.[152] The

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[145] 47 U.S.C. § 252(d)(1).

[146] *Local Competition First Report and Order*, 11 FCC Rcd at 15844-46, paras. 674-79; 47 C.F.R. §§ 51.501 *et seq*.; *see also Deployment of Wireline Services Offering Advanced Telecommunications Capability, CC Docket No. 98-147, and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98*, Third Report and Order and Fourth Report and Order, 14 FCC Rcd 20912, 20974, para. 135 (*Line Sharing Order*) (concluding that states should set the prices for line sharing as a new network element in the same manner as the state sets prices for other UNEs).

[147] *See* 47 C.F.R. § 51.315(b).

[148] *Bell Atlantic New York Order*, 15 FCC Rcd at 4084, para. 244; *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6266, para. 59.

[149] *Iowa Utils. Bd. v. FCC*, 120 F.3d 753, 800, 804, 805-06 (8th Cir. 1997).

[150] *AT&T Corp. v. Iowa Utils. Bd*., 525 U.S. 366 (1999). In reaching its decision, the Court acknowledged that section 201(b) "explicitly grants the FCC jurisdiction to make rules governing matters to which the 1996 Act applies." *Id.* at 380. Furthermore, the Court determined that section 251(d) also provides evidence of an express jurisdictional grant by requiring that "the Commission [shall] complete all actions necessary to establish regulations to implement the requirements of this section." *Id.* at 382. The Court also held that the pricing provisions implemented under the Commission's rulemaking authority do not inhibit the establishment of rates by the states. The Court concluded that the Commission has jurisdiction to design a pricing methodology to facilitate local competition under the 1996 Act, including pricing for interconnection and unbundled access, as "it is the States that will apply those standards and implement that methodology, determining the concrete result." *Id*.

[151] *Iowa Utils. Bd. v. FCC*, 219 F.3d 744 (8th Cir. 2000), *petition for cert. granted sub nom. Verizon Communications v. FCC*, 121 S. Ct. 877 (2001).

[152] *Iowa Utils. Bd. v. FCC*, No. 96-3321 *et al.* (8th Cir. Sept. 25, 2000).

Supreme Court, on May 13, 2002, upheld the Commission's forward-looking pricing methodology in determining costs of UNEs and "reverse[d] the Eighth Circuit's judgment insofar as it invalidated TELRIC as a method for setting rates under the Act."[153] Accordingly, the Commission's pricing rules remain in effect.

C. Checklist Item 3 – Poles, Ducts, Conduits and Rights of Way

47. Section 271(c)(2)(B)(iii) requires BOCs to provide "[n]ondiscriminatory access to the poles, ducts, conduits, and rights-of-way owned or controlled by the [BOC] at just and reasonable rates in accordance with the requirements of section 224."[154] Section 224(f)(1) states that "[a] utility shall provide a cable television system or any telecommunications carrier with nondiscriminatory access to any pole, duct, conduit, or right-of-way owned or controlled by it."[155] Notwithstanding this requirement, section 224(f)(2) permits a utility providing electric service to deny access to its poles, ducts, conduits, and rights-of-way, on a nondiscriminatory basis, "where there is insufficient capacity and for reasons of safety, reliability and generally applicable engineering purposes."[156] Section 224 also contains two separate provisions governing the maximum rates that a utility may charge for "pole attachments."[157] Section 224(b)(1) states that the Commission shall regulate the rates, terms, and conditions governing pole attachments to ensure that they are "just and reasonable."[158] Notwithstanding this general grant of authority, section 224(c)(1) states that "[n]othing in [section 224] shall be construed to

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[153] *Verizon v. FCC,* 122 S.Ct. at 1679. On August 21, 2002, the Eighth Circuit implemented the Supreme Court's mandate with respect to the Commission's TELRIC pricing rule by vacating its prior opinion insofar as it had invalidated that rule and by denying the petitions for review of that rule. *Iowa Utilities Board v. FCC*, 8th Circuit Nos. 96-3321, et al., Judgment, filed August 21, 2002.

[154] 47 U.S.C. § 271(c)(2)(B)(iii). As originally enacted, section 224 was intended to address obstacles that cable operators encountered in obtaining access to poles, ducts, conduits, or rights-of-way owned or controlled by utilities. The 1996 Act amended section 224 in several important respects to ensure that telecommunications carriers as well as cable operators have access to poles, ducts, conduits, or rights-of-way owned or controlled by utility companies, including LECs. *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20706, n.574.

[155] 47 U.S.C. § 224(f)(1). Section 224(a)(1) defines "utility" to include any entity, including a LEC, that controls "poles, ducts, conduits, or rights-of-way used, in whole or in part, for any wire communications." 47 U.S.C. § 224(a)(1).

[156] 47 U.S.C. § 224(f)(2). In the *Local Competition First Report and Order*, the Commission concluded that, although the statutory exception enunciated in section 224(f)(2) appears to be limited to utilities providing electrical service, LECs should also be permitted to deny access to their poles, ducts, conduits, and rights-of-way because of insufficient capacity and for reasons of safety, reliability and generally applicable engineering purposes, provided the assessment of such factors is done in a nondiscriminatory manner. *Local Competition First Report and Order*, 11 FCC Rcd at 16080-81, paras. 1175-77.

[157] Section 224(a)(4) defines "pole attachment" as "any attachment by a cable television system or provider of telecommunications service to a pole, duct, conduit, or right-of-way owned or controlled by a utility." 47 U.S.C. § 224(a)(4).

[158] 47 U.S.C. § 224(b)(1).

apply to, or to give the Commission jurisdiction with respect to the rates, terms, and conditions, or access to poles, ducts, conduits and rights-of-way as provided in [section 224(f)], for pole attachments in any case where such matters are regulated by a State."[159] As of 1992, nineteen states, including Connecticut, had certified to the Commission that they regulated the rates, terms, and conditions for pole attachments.[160]

D. Checklist Item 4 – Unbundled Local Loops

48. Section 271(c)(2)(B)(iv) of the Act, item 4 of the competitive checklist, requires that a BOC provide "[l]ocal loop transmission from the central office to the customer's premises, unbundled from local switching or other services."[161] The Commission has defined the loop as a transmission facility between a distribution frame, or its equivalent, in an incumbent LEC central office, and the demarcation point at the customer premises. This definition includes different types of loops, including two-wire and four-wire analog voice-grade loops, and two-wire and four-wire loops that are conditioned to transmit the digital signals needed to provide service such as ISDN, ADSL, HDSL, and DS1-level signals.[162]

49. In order to establish that it is "providing" unbundled local loops in compliance with checklist item 4, a BOC must demonstrate that it has a concrete and specific legal obligation to furnish loops and that it is currently doing so in the quantities that competitors demand and at an acceptable level of quality. A BOC must also demonstrate that it provides nondiscriminatory access to unbundled loops.[163] Specifically, the BOC must provide access to any functionality of the loop requested by a competing carrier unless it is not technically feasible to condition the loop facility to support the particular functionality requested. In order to provide the requested loop functionality, such as the ability to deliver xDSL services, the BOC may be required to take affirmative steps to condition existing loop facilities to enable competing carriers to provide services not currently provided over the facilities. The BOC must provide

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[159] *Id*. § 224(c)(1). The 1996 Act extended the Commission's authority to include not just rates, terms, and conditions, but also the authority to regulate nondiscriminatory access to poles, ducts, conduits, and rights-of-way. *Local Competition First Report and Order*, 11 FCC Rcd at 16104, para. 1232; 47 U.S.C. § 224(f). Absent state regulation of terms and conditions of nondiscriminatory attachment access, the Commission retains jurisdiction. *Local Competition First Report and Order*, 11 FCC Rcd at 16104, para. 1232; 47 U.S.C. § 224(c)(1); *see also Bell Atlantic New York Order*, 15 FCC Rcd at 4093, para. 264.

[160] *See States That Have Certified That They Regulate Pole Attachments*, Public Notice, 7 FCC Rcd 1498 (1992); 47 U.S.C. § 224(f).

[161] 47 U.S.C. § 271(c)(2)(B)(iv).

[162] *Local Competition First Report and Order*, 11 FCC Rcd at 15691, para. 380; *UNE Remand Order*, 15 FCC Rcd at 3772-73, paras. 166-67, n.301 (retaining definition of the local loop from the *Local Competition First Report and Order*, but replacing the phrase "network interconnection device" with "demarcation point," and making explicit that dark fiber and loop conditioning are among the features, functions and capabilities of the loop).

[163] *SWBT Texas Order*, 15 FCC Rcd at 18481-81, para. 248; *Bell Atlantic New York Order*, 15 FCC Rcd at 4095, para. 269; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20637, para. 185.

competitors with access to unbundled loops regardless of whether the BOC uses digital loop carrier (DLC) technology or similar remote concentration devices for the particular loops sought by the competitor.

50. On December 9, 1999, the Commission released the *Line Sharing Order*, which introduced new rules requiring BOCs to offer requesting carriers unbundled access to the high-frequency portion of local loops (HFPL).[164] HFPL is defined as "the frequency above the voiceband on a copper loop facility that is being used to carry traditional POTS analog circuit-switched voiceband transmissions." This definition applies whether a BOC's voice customers are served by cooper or by digital loop carrier equipment. Competing carriers should have access to the HFPL at either a central office or at a remote terminal. However, the HFPL network element is *only* available on a copper loop facility.[165]

51. To determine whether a BOC makes line sharing available consistent with Commission rules set out in the *Line Sharing Order*, the Commission examines categories of performance measurements identified in the *Bell Atlantic New York* and *SWBT Texas Orders*. Specifically, a successful BOC applicant could provide evidence of BOC-caused missed installation due dates, average installation intervals, trouble reports within 30 days of installation, mean time to repair, trouble report rates, and repeat trouble report rates. In addition, a successful BOC applicant should provide evidence that its central offices are operationally ready to handle commercial volumes of line sharing and that it provides competing carriers with nondiscriminatory access to the pre-ordering and ordering OSS functions associated with the provision of line shared loops, including access to loop qualification information and databases.

52. Section 271(c)(2)(B)(iv) also requires that a BOC demonstrate that it makes line splitting available to competing carriers so that competing carriers may provide voice and data service over a single loop.[166] In addition, a BOC must demonstrate that a competing carrier, either alone or in conjunction with another carrier, is able to replace an existing UNE-P configuration used to provide voice service with an arrangement that enables it to provide voice and data service to a customer. To make such a showing, a BOC must show that it has a legal obligation to provide line splitting through rates, terms, and conditions in interconnection agreements and that it offers competing carriers the ability to order an unbundled xDSL-capable

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[164] *See Line Sharing Order*, 14 FCC Rcd at 20924-27, paras. 20-27; *see also* n.63 at C-12 *supra*.

[165] *See Deployment of Wireline Services offering Advanced Telecommunications Capability and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, Third Report and Order on Reconsideration in CC Docket No. 98-147, Fourth Report and Order on Reconsideration in CC Docket No. 96-98, 16 FCC Rcd 2101, 2106-07, para. 10 (2001).

[166] *See generally SWBT Texas Order*, 15 FCC Rcd at 18515-17, paras. 323-329 (describing line splitting); 47 C.F.R. § 51.703(c) (requiring that incumbent LECs provide competing carriers with access to unbundled loops in a manner that allows competing carriers "to provide any telecommunications service that can be offered by means of that network element").

loop terminated to a collocated splitter and DSLAM equipment, and combine it with unbundled switching and shared transport.[167]

E. Checklist Item 5 – Unbundled Local Transport

53. Section 271(c)(2)(B)(v) of the competitive checklist requires a BOC to provide "[l]ocal transport from the trunk side of a wireline local exchange carrier switch unbundled from switching or other services."[168] The Commission has required that BOCs provide both dedicated and shared transport to requesting carriers.[169] Dedicated transport consists of BOC transmission facilities dedicated to a particular customer or carrier that provide telecommunications between wire centers owned by BOCs or requesting telecommunications carriers, or between switches owned by BOCs or requesting telecommunications carriers.[170] Shared transport consists of transmission facilities shared by more than one carrier, including the BOC, between end office switches, between end office switches and tandem switches, and between tandem switches, in the BOC's network.[171]

F. Checklist Item 6 – Unbundled Local Switching

54. Section 271(c)(2)(B)(vi) of the 1996 Act requires a BOC to provide "[l]ocal switching unbundled from transport, local loop transmission, or other services."[172] In the *Second*

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[167] *See SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6348, para. 220.

[168] 47 U.S.C. § 271(c)(2)(B)(v).

[169] *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20719, para. 201.

[170] *Id.* A BOC has the following obligations with respect to dedicated transport: (a) provide unbundled access to dedicated transmission facilities between BOC central offices or between such offices and serving wire centers (SWCs); between SWCs and interexchange carriers points of presence (POPs); between tandem switches and SWCs, end offices or tandems of the BOC, and the wire centers of BOCs and requesting carriers; (b) provide all technically feasible transmission capabilities such as DS1, DS3, and Optical Carrier levels that the competing carrier could use to provide telecommunications; (c) not limit the facilities to which dedicated interoffice transport facilities are connected, provided such interconnections are technically feasible, or restrict the use of unbundled transport facilities; and (d) to the extent technically feasible, provide requesting carriers with access to digital cross-connect system functionality in the same manner that the BOC offers such capabilities to interexchange carriers that purchase transport services. *Id.* at 20719.

[171] *Id.* at 20719, n.650. The Commission also found that a BOC has the following obligations with respect to shared transport: (a) provide shared transport in a way that enables the traffic of requesting carriers to be carried on the same transport facilities that a BOC uses for its own traffic; (b) provide shared transport transmission facilities between end office switches, between its end office and tandem switches, and between tandem switches in its network; (c) permit requesting carriers that purchase unbundled shared transport and unbundled switching to use the same routing table that is resident in the BOC's switch; and (d) permit requesting carriers to use shared (or dedicated) transport as an unbundled element to carry originating access traffic from, and terminating traffic to, customers to whom the requesting carrier is also providing local exchange service. *Id.* at 20720, n.652.

[172] 47 U.S.C. § 271(c)(2)(B)(vi); *see also Second BellSouth Louisiana Order*, 13 FCC Rcd at 20722. A switch connects end user lines to other end user lines, and connects end user lines to trunks used for transporting a call to (continued….)

BellSouth Louisiana Order, the Commission required BellSouth to provide unbundled local switching that included line-side and trunk-side facilities, plus the features, functions, and capabilities of the switch.[173] The features, functions, and capabilities of the switch include the basic switching function as well as the same basic capabilities that are available to the incumbent LEC's customers.[174] Additionally, local switching includes all vertical features that the switch is capable of providing, as well as any technically feasible customized routing functions.[175]

55. Moreover, in the *Second BellSouth Louisiana Order*, the Commission required BellSouth to permit competing carriers to purchase UNEs, including unbundled switching, in a manner that permits a competing carrier to offer, and bill for, exchange access and the termination of local traffic.[176] The Commission also stated that measuring daily customer usage for billing purposes requires essentially the same OSS functions for both competing carriers and incumbent LECs, and that a BOC must demonstrate that it is providing equivalent access to billing information.[177] Therefore, the ability of a BOC to provide billing information necessary for a competitive LEC to bill for exchange access and termination of local traffic is an aspect of unbundled local switching.[178] Thus, there is an overlap between the provision of unbundled local switching and the provision of the OSS billing function.[179]

56. To comply with the requirements of unbundled local switching, a BOC must also make available trunk ports on a shared basis and routing tables resident in the BOC's switch, as necessary to provide access to shared transport functionality.[180] In addition, a BOC may not limit the ability of competitors to use unbundled local switching to provide exchange access by requiring competing carriers to purchase a dedicated trunk from an interexchange carrier's point of presence to a dedicated trunk port on the local switch.[181]

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another central office or to a long-distance carrier. Switches can also provide end users with "vertical features" such as call waiting, call forwarding, and caller ID, and can direct a call to a specific trunk, such as to a competing carrier's operator services.

[173] *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20722, para. 207.

[174] *Id*.

[175] *Id.* at 20722-23, para. 207.

[176] *Id.* at 20723, para. 208.

[177] *Id.* at 20723, para. 208 (citing *Ameritech Michigan Order*, 12 FCC Rcd at 20619, para. 140).

[178] *Id.*

[179] *Id.*

[180] *Id.* at 20723, para. 209 (citing the *Ameritech Michigan Order*, 12 FCC Rcd at 20705, para. 306).

[181] *Id.* (citing the *Ameritech Michigan Order*, 12 FCC Rcd at 20714-15, paras. 324-25).

G. Checklist Item 7 – 911/E911 Access and Directory Assistance/Operator Services

57. Section 271(c)(2)(B)(vii) of the Act requires a BOC to provide "[n]ondiscriminatory access to – (I) 911 and E911 services."[182] In the *Ameritech Michigan Order*, the Commission found that "section 271 requires a BOC to provide competitors access to its 911 and E911 services in the same manner that a BOC obtains such access, *i.e.*, at parity."[183] Specifically, the Commission found that a BOC "must maintain the 911 database entries for competing LECs with the same accuracy and reliability that it maintains the database entries for its own customers."[184] For facilities-based carriers, the BOC must provide "unbundled access to [its] 911 database and 911 interconnection, including the provision of dedicated trunks from the requesting carrier's switching facilities to the 911 control office at parity with what [the BOC] provides to itself."[185] Section 271(c)(2)(B)(vii)(II) and section 271(c)(2)(B)(vii)(III) require a BOC to provide nondiscriminatory access to "directory assistance services to allow the other carrier's customers to obtain telephone numbers" and "operator call completion services," respectively.[186] Section 251(b)(3) of the Act imposes on each LEC "the duty to permit all [competing providers of telephone exchange service and telephone toll service] to have nondiscriminatory access to . . . operator services, directory assistance, and directory listing, with no unreasonable dialing delays."[187] The Commission concluded in the *Second BellSouth Louisiana Order* that a BOC must be in compliance with the regulations implementing section 251(b)(3) to satisfy the requirements of sections 271(c)(2)(B)(vii)(II) and 271(c)(2)(B)(vii)(III).[188] In the *Local Competition Second Report and Order*, the Commission

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[182] 47 U.S.C. § 271(c)(2)(B)(vii). 911 and E911 services transmit calls from end users to emergency personnel. It is critical that a BOC provide competing carriers with accurate and nondiscriminatory access to 911/E911 services so that these carriers' customers are able to reach emergency assistance. Customers use directory assistance and operator services to obtain customer listing information and other call completion services.

[183] *Ameritech Michigan Order*, 12 FCC Rcd at 20679, para. 256.

[184] *Id.*

[185] *Id.*

[186] 47 U.S.C. §§ 271(c)(2)(B)(vii)(II), (III).

[187] *Id*. § 251(b)(3). The Commission implemented section 251(b)(3) in the *Local Competition Second Report and Order*. 47 C.F.R. § 51.217; *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, Second Report and Order and Memorandum Opinion and Order, 11 FCC Rcd 19392 (1996) (*Local Competition Second Report and Order*) *vacated in part sub nom. People of the State of California v. FCC*, 124 F.3d 934 (8th Cir. 1997), *overruled in part*, *AT&T Corp. v. Iowa Utils. Bd.*, 525 U.S. 366 (1999); *see also Implementation of the Telecommunications Act of 1996: Provision of Directory Listings Information under the Telecommunications Act of 1934*, Notice of Proposed Rulemaking, 14 FCC Rcd 15550 (1999) (*Directory Listings Information NPRM*).

[188] While both sections 251(b)(3) and 271(c)(2)(B)(vii)(II) refer to nondiscriminatory access to "directory assistance," section 251(b)(3) refers to nondiscriminatory access to "operator services," while section 271(c)(2)(B)(vii)(III) refers to nondiscriminatory access to "operator call completion services." 47 U.S.C. (continued….)

held that the phrase "nondiscriminatory access to directory assistance and directory listings" means that "the customers of all telecommunications service providers should be able to access each LEC's directory assistance service and obtain a directory listing on a nondiscriminatory basis, notwithstanding: (1) the identity of a requesting customer's local telephone service provider; or (2) the identity of the telephone service provider for a customer whose directory listing is requested."[189] The Commission concluded that nondiscriminatory access to the dialing patterns of 4-1-1 and 5-5-5-1-2-1-2 to access directory assistance were technically feasible, and would continue.[190] The Commission specifically held that the phrase "nondiscriminatory access to operator services" means that "a telephone service customer, regardless of the identity of his or her local telephone service provider, must be able to connect to a local operator by dialing '0,' or '0 plus' the desired telephone number."[191]

58. Competing carriers may provide operator services and directory assistance by reselling the BOC's services, outsourcing service provision to a third-party provider, or using their own personnel and facilities. The Commission's rules require BOCs to permit competitive

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§§ 251(b)(3), 271(c)(2)(B)(vii)(III). The term "operator call completion services" is not defined in the Act, nor has the Commission previously defined the term. However, for section 251(b)(3) purposes, the term "operator services" was defined as meaning "any automatic or live assistance to a consumer to arrange for billing or completion, or both, of a telephone call." *Local Competition Second Report and Order*, 11 FCC Rcd at 19448, para. 110. In the same order the Commission concluded that busy line verification, emergency interrupt, and operator-assisted directory assistance are forms of "operator services," because they assist customers in arranging for the billing or completion (or both) of a telephone call. *Id.* at 19449, para. 111. All of these services may be needed or used to place a call. For example, if a customer tries to direct dial a telephone number and constantly receives a busy signal, the customer may contact the operator to attempt to complete the call. Since billing is a necessary part of call completion, and busy line verification, emergency interrupt, and operator-assisted directory assistance can all be used when an operator completes a call, the Commission concluded in the *Second BellSouth Louisiana Order* that for checklist compliance purposes, "operator call completion services" is a subset of or equivalent to "operator service." *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20740, n.763. As a result, the Commission uses the nondiscriminatory standards established for operator services to determine whether nondiscriminatory access is provided.

[189] 47 C.F.R. § 51.217(c)(3); *Local Competition Second Report and Order*, 11 FCC Rcd at 19456-58, paras. 130-35. The *Local Competition Second Report and Order's* interpretation of section 251(b)(3) is limited "to access to each LEC's directory assistance service." *Id.* at 19456, para. 135. However, section 271(c)(2)(B)(vii) is not limited to the LEC's systems but requires "nondiscriminatory access to . . . directory assistance to allow the other carrier's customers to obtain telephone numbers." 47 U.S.C. § 271(c)(2)(B)(vii). Combined with the Commission's conclusion that "incumbent LECs must unbundle the facilities and functionalities providing operator services and directory assistance from resold services and other unbundled network elements to the extent technically feasible," *Local Competition First Report and Order*, 11 FCC Rcd at 15772-73, paras. 535-37, section 271(c)(2)(B)(vii)'s requirement should be understood to require the BOCs to provide nondiscriminatory access to the directory assistance service provider selected by the customer's local service provider, regardless of whether the competitor; provides such services itself; selects the BOC to provide such services; or chooses a third party to provide such services. *See Directory Listings Information NPRM*.

[190] *Local Competition Second Report and Order*, 11 FCC Rcd at 19464, para. 151.

[191] *Id*. at 19464, para. 151.

LECs wishing to resell the BOC's operator services and directory assistance to request the BOC to brand their calls.[192] Competing carriers wishing to provide operator services or directory assistance using their own or a third party provider's facilities and personnel must be able to obtain directory listings either by obtaining directory information on a "read only" or "per dip" basis from the BOC's directory assistance database, or by creating their own directory assistance database by obtaining the subscriber listing information in the BOC's database.[193] Although the Commission originally concluded that BOCs must provide directory assistance and operator services on an unbundled basis pursuant to sections 251 and 252, the Commission removed directory assistance and operator services from the list of required UNEs in the *UNE Remand Order*.[194] Checklist item obligations that do not fall within a BOC's obligations under section 251(c)(3) are not subject to the requirements of sections 251 and 252 that rates be based on forward-looking economic costs.[195] Checklist item obligations that do not fall within a BOC's UNE obligations, however, still must be provided in accordance with sections 201(b) and 202(a), which require that rates and conditions be just and reasonable, and not unreasonably discriminatory.[196]

H. Checklist Item 8 – White Pages Directory Listings

59. Section 271(c)(2)(B)(viii) of the 1996 Act requires a BOC to provide "[w]hite pages directory listings for customers of the other carrier's telephone exchange service."[197] Section 251(b)(3) of the 1996 Act obligates all LECs to permit competitive providers of

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[192] 47 C.F.R. § 51.217(d); *Local Competition Second Report and Order*, 11 FCC Rcd at 19463, para. 148. For example, when customers call the operator or calls for directory assistance, they typically hear a message, such as "thank you for using XYZ Telephone Company." Competing carriers may use the BOC's brand, request the BOC to brand the call with the competitive carriers name or request that the BOC not brand the call at all. 47 C.F.R. § 51.217(d).

[193] 47 C.F.R. § 51.217(C)(3)(ii); *Local Competition Second Report and Order*, 11 FCC Rcd at 19460-61, paras. 141-44; *Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Provision of Directory Listing Information Under the Communications Act of 1934, as amended*, Third Report and Order, Second Order on Reconsideration, and Notice of Proposed Rulemaking, 14 FCC Rcd 15550, 15630-31, paras. 152-54 (1999); *Provision of Directory Listing Information Under the Communications Act of 1934, as amended*, First Report and Order, 16 FCC Rcd 2736, 2743-51 (2001).

[194] *UNE Remand Order*, 15 FCC Rcd at 3891-92, paras. 441-42.

[195] *UNE Remand Order*, 15 FCC Rcd at 3905, para. 470; *see generally* 47 U.S.C. §§ 251-52; *see also* 47 U.S.C. § 252(d)(1)(A)(i) (requiring UNE rates to be "based on the cost (determined without reference to a rate-of-return or other rate-based proceeding) of providing the … network element").

[196] *UNE Remand Order*, 15 FCC Rcd at 3905-06, paras. 470-73; *see also* 47 U.S.C. §§ 201(b), 202(a).

[197] 47 U.S.C. § 271(c)(2)(B)(viii).

telephone exchange service and telephone toll service to have nondiscriminatory access to directory listing.[198]

60. In the *Second BellSouth Louisiana Order*, the Commission concluded that, "consistent with the Commission's interpretation of 'directory listing' as used in section 251(b)(3), the term 'white pages' in section 271(c)(2)(B)(viii) refers to the local alphabetical directory that includes the residential and business listings of the customers of the local exchange provider."[199] The Commission further concluded, "the term 'directory listing,' as used in this section, includes, at a minimum, the subscriber's name, address, telephone number, or any combination thereof."[200] The Commission's *Second BellSouth Louisiana Order* also held that a BOC satisfies the requirements of checklist item 8 by demonstrating that it: (1) provided nondiscriminatory appearance and integration of white page directory listings to competitive LECs' customers; and (2) provided white page listings for competitors' customers with the same accuracy and reliability that it provides its own customers.[201]

I. Checklist Item 9 – Numbering Administration

61. Section 271(c)(2)(B)(ix) of the 1996 Act requires a BOC to provide "nondiscriminatory access to telephone numbers for assignment to the other carrier's telephone exchange service customers," until "the date by which telecommunications numbering administration, guidelines, plan, or rules are established."[202] The checklist mandates compliance with "such guidelines, plan, or rules" after they have been established.[203] A BOC must demonstrate that it adheres to industry numbering administration guidelines and Commission rules.[204]

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198 *Id*. § 251(b)(3).

199 *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20748, para. 255.

200 *Id*. In the *Second BellSouth Louisiana Order*, the Commission stated that the definition of "directory listing" was synonymous with the definition of "subscriber list information." *Id.* at 20747 (citing the *Local Competition Second Report and Order*, 11 FCC Rcd at 19458-59). However, the Commission's decision in a later proceeding obviates this comparison, and supports the definition of directory listing delineated above. *See Implementation of the Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information*, CC Docket No. 96-115, Third Report and Order; *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-98, Second Order on Reconsideration; *Provision of Directory Listing Information under the Telecommunications Act of 1934, As Amended*, CC Docket No. 99-273, FCC 99-227, Notice of Proposed Rulemaking, para. 160 (rel. Sept. 9, 1999).

201 *Id.*

202 47 U.S.C. § 271(c)(2)(B)(ix).

203 *Id.*

204 *See Second Bell South Louisiana Order*, 13 FCC Rcd at 20752; *see also Numbering Resource Optimization*, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 7574 (2000); *Numbering Resource* (continued….)

J. Checklist Item 10 – Databases and Associated Signaling

62. Section 271(c)(2)(B)(x) of the 1996 Act requires a BOC to provide "nondiscriminatory access to databases and associated signaling necessary for call routing and completion."[205] In the *Second BellSouth Louisiana Order*, the Commission required BellSouth to demonstrate that it provided requesting carriers with nondiscriminatory access to: "(1) signaling networks, including signaling links and signaling transfer points; (2) certain call-related databases necessary for call routing and completion, or in the alternative, a means of physical access to the signaling transfer point linked to the unbundled database; and (3) Service Management Systems (SMS)."[206] The Commission also required BellSouth to design, create, test, and deploy Advanced Intelligent Network (AIN) based services at the SMS through a Service Creation Environment (SCE).[207] In the *Local Competition First Report and Order*, the Commission defined call-related databases as databases, other than operations support systems, that are used in signaling networks for billing and collection or the transmission, routing, or other provision of telecommunications service.[208] At that time the Commission required incumbent LECs to provide unbundled access to their call-related databases, including but not limited to: the Line Information Database (LIDB), the Toll Free Calling database, the Local Number Portability database, and Advanced Intelligent Network databases.[209] In the *UNE Remand Order*, the Commission clarified that the definition of call-related databases "includes, but is not limited to, the calling name (CNAM) database, as well as the 911 and E911 databases."[210]

K. Checklist Item 11 – Number Portability

63. Section 271(c)(2)(B) of the 1996 Act requires a BOC to comply with the number portability regulations adopted by the Commission pursuant to section 251.[211] Section 251(b)(2) requires all LECs "to provide, to the extent technically feasible, number portability in

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Optimization, Second Report and Order, Order on Reconsideration in CC Docket No. 99-200 and Second Further Notice of Proposed Rulemaking in CC Docket No. 99-200, CC Docket Nos. 96-98; 99-200 (rel. Dec. 29, 2000); *Numbering Resource Optimization*, Third Report and Order and Second Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200 (rel. Dec. 28, 2001).

[205] 47 U.S.C. § 271(c)(2)(B)(x).

[206] *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20753, para. 267.

[207] *Id.* at 20755-56, para. 272.

[208] *Local Competition First Report and Order*, 11 FCC Rcd at 15741, n.1126; *UNE Remand Order*, 15 FCC Rcd at 3875, para. 403.

[209] *Id*. at 15741-42, para. 484.

[210] *UNE Remand Order*, 15 FCC Rcd at 3875, para. 403.

[211] 47 U.S.C. § 271(c)(2)(B)(xii).

accordance with requirements prescribed by the Commission."[212] The 1996 Act defines number portability as "the ability of users of telecommunications services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another."[213] In order to prevent the cost of number portability from thwarting local competition, Congress enacted section 251(e)(2), which requires that "[t]he cost of establishing telecommunications numbering administration arrangements and number portability shall be borne by all telecommunications carriers on a competitively neutral basis as determined by the Commission."[214] Pursuant to these statutory provisions, the Commission requires LECs to offer interim number portability "to the extent technically feasible."[215] The Commission also requires LECs to gradually replace interim number portability with permanent number portability.[216] The Commission has established guidelines for states to follow in mandating a competitively neutral cost-recovery mechanism for interim number portability,[217] and created a competitively neural cost-recovery mechanism for long-term number portability.[218]

L. Checklist Item 12 – Local Dialing Parity

64. Section 271(c)(2)(B)(xii) requires a BOC to provide "[n]ondiscriminatory access to such services or information as are necessary to allow the requesting carrier to implement local dialing parity in accordance with the requirements of section 251(b)(3)."[219] Section

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[212] *Id.* at § 251(b)(2).

[213] *Id.* at § 153(30).

[214] *Id.* at § 251(e)(2); *see also Second BellSouth Louisiana Order*, 13 FCC Rcd at 20757, para. 274; *In the Matter of Telephone Number Portability*, Third Report and Order, 13 FCC Rcd 11701, 11702-04 (1998) (*Third Number Portability Order*); *In the Matter of Telephone Number Portability*, Fourth Memorandum Opinion and Order on Reconsideration, 15 FCC Rcd 16459, 16460, 16462-65, paras. 1, 6-9 (1999) (*Fourth Number Portability Order*).

[215] *Fourth Number Portability Order*, 15 FCC Rcd at 16465, para. 10; *Telephone Number Portability*, First Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 8352, 8409-12, paras. 110-16 (1996) (*First Number Portability Order*); *see also* 47 U.S.C. § 251(b)(2).

[216] *See* 47 C.F.R. §§ 52.3(b)-(f); *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20758, para. 275; *First Number Portability Order*, 11 FCC Rcd at 8355, 8399-8404, paras. 3, 91; *Third Number Portability Order*, 13 FCC Rcd at 11708-12, paras. 12-16.

[217] *See* 47 C.F.R. § 52.29; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20758, para. 275; *First Number Portability Order*, 11 FCC Rcd at 8417-24, paras. 127-40.

[218] *See* 47 C.F.R. §§ 52.32, 52.33; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20758, para. 275; *Third Number Portability Order*, 13 FCC Rcd at 11706-07, para. 8; *Fourth Number Portability Order* at 16464-65, para. 9.

[219] Based on the Commission's view that section 251(b)(3) does not limit the duty to provide dialing parity to any particular form of dialing parity (*i.e.*, international, interstate, intrastate, or local), the Commission adopted rules in August 1996 to implement broad guidelines and minimum nationwide standards for dialing parity. *Local Competition Second Report and Order*, 11 FCC Rcd at 19407; *Interconnection Between Local Exchange Carriers* (continued….)

251(b)(3) imposes upon all LECs "[t]he duty to provide dialing parity to competing providers of telephone exchange service and telephone toll service with no unreasonable dialing delays."[220] Section 153(15) of the Act defines "dialing parity" as follows:

> [A] person that is not an affiliate of a local exchange carrier is able to provide telecommunications services in such a manner that customers have the ability to route automatically, without the use of any access code, their telecommunications to the telecommunications services provider of the customer's designation.[221]

65. The rules implementing section 251(b)(3) provide that customers of competing carriers must be able to dial the same number of digits the BOC's customers dial to complete a local telephone call.[222] Moreover, customers of competing carriers must not otherwise suffer inferior quality service, such as unreasonable dialing delays, compared to the BOC's customers.[223]

M. Checklist Item 13 – Reciprocal Compensation

66. Section 271(c)(2)(B)(xiii) of the Act requires that a BOC enter into "[r]eciprocal compensation arrangements in accordance with the requirements of section 252(d)(2)."[224] In turn, pursuant to section 252(d)(2)(A), "a state commission shall not consider the terms and conditions for reciprocal compensation to be just and reasonable unless (i) such terms and conditions provide for the mutual and reciprocal recovery by each carrier of costs associated with the transport and termination on each carrier's network facilities of calls that originate on the network facilities of the other carrier; and (ii) such terms and conditions determine such costs on the basis of a reasonable approximation of the additional costs of terminating such calls."[225]

(Continued from previous page)
and Commercial Mobile Radio Service Providers, CC Docket No. 95-185, Further Order On Reconsideration, FCC 99-170 (rel. July 19, 1999).

220 47 U.S.C. § 251(b)(3).

221 *Id.* § 153(15).

222 47 C.F.R §§ 51.205, 51.207.

223 *See* 47 C.F.R. § 51.207 (requiring same number of digits to be dialed); *Local Competition Second Report and Order*, 11 FCC Rcd at 19400, 19403.

224 47 U.S.C. § 271(c)(2)(B)(xiii).

225 *Id*. § 252(d)(2)(A).

N. Checklist Item 14 – Resale

67. Section 271(c)(2)(B)(xiv) of the Act requires a BOC to make "telecommunications services . . . available for resale in accordance with the requirements of sections 251(c)(4) and 252(d)(3)."[226] Section 251(c)(4)(A) requires incumbent LECs "to offer for resale at wholesale rates any telecommunications service that the carrier provides at retail to subscribers who are not telecommunications carriers."[227] Section 252(d)(3) requires state commissions to "determine wholesale rates on the basis of retail rates charged to subscribers for the telecommunications service requested, excluding the portion thereof attributable to any marketing, billing, collection, and other costs that will be avoided by the local exchange carrier."[228] Section 251(c)(4)(B) prohibits "unreasonable or discriminatory conditions or limitations" on service resold under section 251(c)(4)(A).[229] Consequently, the Commission concluded in the *Local Competition First Report and Order* that resale restrictions are presumed to be unreasonable unless the LEC proves to the state commission that the restriction is reasonable and nondiscriminatory.[230] If an incumbent LEC makes a service available only to a specific category of retail subscribers, however, a state commission may prohibit a carrier that obtains the service pursuant to section 251(c)(4)(A) from offering the service to a different category of subscribers.[231] If a state creates such a limitation, it must do so consistent with requirements established by the Federal Communications Commission.[232] In accordance with sections 271(c)(2)(B)(ii) and 271(c)(2)(B)(xiv), a BOC must also demonstrate that it provides nondiscriminatory access to operations support systems for the resale of its retail

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226 *Id*. § 271(c)(2)(B)(xiv).

227 *Id*. § 251(c)(4)(A).

228 *Id*. § 252(d)(3).

229 *Id*. § 251(c)(4)(B).

230 *Local Competition First Report and Order*, 11 FCC Rcd at 15966, para. 939; 47 C.F.R. § 51.613(b). The Eighth Circuit acknowledged the Commission's authority to promulgate such rules, and specifically upheld the sections of the Commission's rules concerning resale of promotions and discounts in *Iowa Utilities Board*. *Iowa Utils. Bd. v. FCC*, 120 F.3d at 818-19, *aff'd in part and remanded on other grounds*, *AT&T v. Iowa Utils. Bd.*, 525 U.S. 366 (1999). *See also* 47 C.F.R. §§ 51.613-51.617.

231 47 U.S.C. § 251(c)(4)(B).

232 *Id.*

telecommunications services.[233] The obligations of section 251(c)(4) apply to the retail telecommunications services offered by a BOC's advanced services affiliate.[234]

V. COMPLIANCE WITH SEPARATE AFFILIATE REQUIREMENTS – SECTION 272

68. Section 271(d)(3)(B) requires that the Commission shall not approve a BOC's application to provide interLATA services unless the BOC demonstrates that the "requested authorization will be carried out in accordance with the requirements of section 272."[235] The Commission set standards for compliance with section 272 in the *Accounting Safeguards Order* and the *Non-Accounting Safeguards Order*.[236] Together, these safeguards discourage and facilitate the detection of improper cost allocation and cross-subsidization between the BOC and its section 272 affiliate.[237] In addition, these safeguards ensure that BOCs do not discriminate in favor of their section 272 affiliates.[238]

69. As the Commission stated in the *Ameritech Michigan Order*, compliance with section 272 is "of crucial importance" because the structural, transactional, and nondiscrimination safeguards of section 272 seek to ensure that BOCs compete on a level playing field.[239] The Commission's findings regarding section 272 compliance constitute

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[233] *See, e.g.*, *Bell Atlantic New York Order*, 15 FCC Rcd at 4046-48, paras. 178-81 (Bell Atlantic provides nondiscriminatory access to its OSS ordering functions for resale services and therefore provides efficient competitors a meaningful opportunity to compete).

[234] *See Verizon Connecticut Order*, 16 FCC Rcd 14147, 14160-63, paras. 27-33 (2001); *Association of Communications Enterprises v. FCC*, 235 F.3d 662 (D.C. Cir. 2001).

[235] 47 U.S.C. § 271(d)(3)(B).

[236] *See Implementation of the Accounting Safeguards Under the Telecommunications Act of 1996*, CC Docket No. 96-150, Report and Order, 11 FCC Rcd 17539 (1996) (*Accounting Safeguards Order*), Second Order On Reconsideration, FCC 00-9 (rel. Jan. 18, 2000); *Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, as amended*, CC Docket No. 96-149, First Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 21905 (1996) (*Non-Accounting Safeguards Order*), *petition for review pending sub nom. SBC Communications v. FCC*, No. 97-1118 (filed D.C. Cir. Mar. 6, 1997) (held in abeyance May 7, 1997), First Order on Reconsideration, 12 FCC Rcd 2297 (1997) (*First Order on Reconsideration*), Second Order on Reconsideration, 12 FCC Rcd 8653 (1997) (*Second Order on Reconsideration*), *aff'd sub nom. Bell Atlantic Telephone Companies v. FCC*, 131 F.3d 1044 (D.C. Cir. 1997), Third Order on Reconsideration, FCC 99-242 (rel. Oct. 4, 1999) (*Third Order on Reconsideration*).

[237] *Non-Accounting Safeguards Order*, 11 FCC Rcd at 21914; *Accounting Safeguards Order*, 11 FCC Rcd at 17550; *Ameritech Michigan Order*, 12 FCC Rcd at 20725.

[238] *Non-Accounting Safeguards Order*, 11 FCC Rcd at 21914, paras. 15-16; *Ameritech Michigan Order*, 12 FCC Rcd at 20725, para. 346.

[239] *Ameritech Michigan Order*, 12 FCC Rcd at 20725, para. 346; *Bell Atlantic New York Order*, 15 FCC Rcd at 4153, para. 402.

independent grounds for denying an application.[240] Past and present behavior of the BOC applicant provides "the best indicator of whether [the applicant] will carry out the requested authorization in compliance with section 272."[241]

VI. COMPLIANCE WITH THE PUBLIC INTEREST – SECTION 271(D)(3)(C)

70. In addition to determining whether a BOC satisfies the competitive checklist and will comply with section 272, Congress directed the Commission to assess whether the requested authorization would be consistent with the public interest, convenience, and necessity.[242] Compliance with the competitive checklist is itself a strong indicator that long distance entry is consistent with the public interest. This approach reflects the Commission's many years of experience with the consumer benefits that flow from competition in telecommunications markets.

71. Nonetheless, the public interest analysis is an independent element of the statutory checklist and, under normal canons of statutory construction, requires an independent determination.[243] Thus, the Commission views the public interest requirement as an opportunity to review the circumstances presented by the application to ensure that no other relevant factors exist that would frustrate the congressional intent that markets be open, as required by the competitive checklist, and that entry will therefore serve the public interest as Congress expected. Among other things, the Commission may review the local and long distance markets to ensure that there are not unusual circumstances that would make entry contrary to the public interest under the particular circumstances of the application at issue.[244] Another factor that could be relevant to the analysis is whether the Commission has sufficient assurance that markets will remain open after grant of the application. While no one factor is dispositive in this analysis, the overriding goal is to ensure that nothing undermines the conclusion, based on the Commission's analysis of checklist compliance, that markets are open to competition.

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[240] *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20785-86, para. 322; *Bell Atlantic New York Order*, 15 FCC Rcd at 4153, para. 402.

[241] *Bell Atlantic New York Order*, 15 FCC Rcd at 4153, para. 402.

[242] 47 U.S.C. § 271(d)(3)(C).

[243] In addition, Congress specifically rejected an amendment that would have stipulated that full implementation of the checklist necessarily satisfies the public interest criterion. *See Ameritech Michigan Order*, 12 FCC Rcd at 20747 at para. 360-66; *see also* 141 Cong. Rec. S7971, S8043 (June. 8, 1995).

[244] *See Second BellSouth Louisiana Order*, 13 FCC Rcd at 20805-06, para. 360 (the public interest analysis may include consideration of "whether approval . . . will foster competition in all relevant telecommunications markets").

STATEMENT OF
CHAIRMAN MICHAEL K. POWELL

Re: Application by Verizon New England Inc., Verizon Delaware Inc., Bell Atlantic Communications, Inc. (d/b/a Verizon Long Distance), NYNEX Long Distance Company (d/b/a) Verizon Enterprise Solutions), Verizon Global Networks Inc., and Verizon Select Services Inc., for Authorization to Provide In-Region, InterLATA Services in New Hampshire and Delaware, WC Docket No. 02-157

Today, the Commission votes unanimously to approve Verizon's application to provide long distance services in New Hampshire and Delaware. We could not have achieved this result without the tireless and dedicated work of the New Hampshire Public Utilities Commission and the Delaware Public Service Commission.

In this proceeding, questions have been raised concerning the pricing of network elements, in particular, the pricing of unbundled switching. As the Supreme Court has noted, the Telecommunications Act of 1996 is a "model of ambiguity." This proceeding presents this Commission with another example of a question that the statute does not directly answer – whether network elements must be evaluated by the Commission in the context of its section 271 review on an individualized basis or at a more aggregated level.

When the Act passed in 1996, Congress and this Commission engaged in a largely theoretical exercise about how competitors would purchase unbundled network elements. Today, we know that competitors invariably do not purchase the unbundled switching element separately from other elements such as shared transport. Indeed, it may be technically infeasible to do so. With this in mind, I believe that the overall structure of the statute supports a decision that comports with this marketplace reality. Furthermore, I am not persuaded that we should deviate from our prior benchmarking decisions based on a legal argument advanced by opponents that is not driven by their legitimate business needs.

As the item demonstrates, Verizon's prices for network elements are within the appropriate range of what reasonable pricing principles should produce. Forcing them to lower those rates even further would be confiscatory and calculated for the sole purpose of further driving down rates for unbundled element platforms. Verizon has, in good faith, met its statutory obligations and should be entitled to enter the long distance market in both New Hampshire and Delaware. To deny consumers the benefits of that entry is to elevate form over substance, which I am unwilling to do.

SEPARATE STATEMENT OF
COMMISSIONER MICHAEL J. COPPS,
APPROVING IN PART, CONCURRING IN PART

Re: Application by Verizon New England, Inc., Verizon Delaware, Inc., Bell Atlantic Communications, Inc. (d/b/a Verizon Long Distance), NYNEX Long Distance Company (d/b/a Verizon Enterprise Solutions), Verizon Global Networks, Inc., and Verizon Select Services Inc., for Authorization to Provide In-Region InterLATA Services in New Hampshire and Delaware (WC Docket No. 02-157)

I write separately to explain the reasons that I concur in part in this Order granting Verizon's application to provide long-distance services in New Hampshire and Delaware. Verizon has done a great deal to open its local markets to competition in these states. I also commend the New Hampshire and Delaware Commissions for their significant efforts to ensure competition.

The major issue in this proceeding has been the pricing of network elements, and in particular, the rates for unbundled switching. In the New Hampshire application, the majority concludes that the statute permits Bell companies in all instances to demonstrate compliance with the checklist by aggregating the non-loop elements. I disagree with the majority's analysis. Section 271 requires a BOC to provide "nondiscriminatory access to network elements in accordance with sections 251(c)(3) and 252(d)(1)." Section 252(d)(1) in turn provides that the just and reasonable rate for network elements shall be based on the cost of providing the *network element.* I believe the better reading of the statute is that the rate for each network element must comport with Congress' pricing directive. Indeed, in previous applications in which the Commission has conducted a bottom-up analysis of the forward-looking rates, it has examined the switching element independent of transport.

Notwithstanding my concern with the legal reasoning, I agree that we should grant Verizon's application. The Commission has recognized that states may reach different decisions on the optimal network configuration when they set rates. These differences could result in trade-offs among rates for elements when compared in our benchmark analysis. That may well be the case in this instance. Here, our benchmark model indicates that rates for transport could be significantly higher in New Hampshire than in New York, but the actual transport rates in New Hampshire are 35 percent lower. On the other hand, the switching rates in New Hampshire are approximately 10 percent higher than the benchmark would allow. I concur in this decision, because the record indicates that the commercial reality in New Hampshire is that competitors are only purchasing switching with transport. In another situation in which competitors were purchasing unbundled switching or another network element on its own, we would need to scrutinize more closely the trade-offs among the element rates. In that instance, the statute could well compel a different result.

SEPARATE STATEMENT OF
COMMISSIONER KEVIN J. MARTIN,
APPROVING IN PART, CONCURRING IN PART

Re: Application by Verizon New England Inc., Verizon Delaware Inc., Bell Atlantic Communications, Inc. (d/b/a Verizon Long Distance), NYNEX Long Distance Company (d/b/a) Verizon Enterprise Solutions), Verizon Global Networks Inc., and Verizon Select Services Inc., for Authorization to Provide In-Region, InterLATA Services in New Hampshire and Delaware (WC Docket No. 02-157)

Today we grant Verizon authority to provide in-region, interLATA service originating in the States of New Hampshire and Delaware. I support this Order and commend the New Hampshire Public Utilities Commission and the Delaware Public Service Commission for their hard work.

I must concur, however, with the decision's statutory analysis on the standard for reviewing the pricing of individual unbundled network elements ("UNEs") in Section 271 applications. In today's action, the Commission finds that the statute does not require it to evaluate individually the checklist compliance of UNE TELRIC rates on an element-by-element basis. The Commission concludes that because the statute uses the plural term "elements," it has the discretion to ignore subsequent reference to prices for a particular "element" in the singular. I disagree.

Bell operating companies seeking to enter the long distance market must meet the requirements of the fourteen point checklist contained in section 271 of the Act.[1] The 271 process requires that the Commission ensure that the applicants comply with all of the checklist requirements. One of the items on the checklist requires that the Commission: (i) verify that the Bell operating company provides nondiscriminatory access to network elements; and (ii) ensure that rates are just and reasonable based on the cost of providing "the network element."[2]

The pricing standard for network elements analyzed during the 271 checklist review process resides in Section 252. Under this section, states must set unbundled network element rates that are just and reasonable and "based on the cost of providing the network element."[3] The clearest reading of this section would seem to require that the Commission ensure that the rates charged for any particular element is based on that elements' cost. Previously, the Commission has determined that this requirement is satisfied by compliance with TELRIC principles for pricing. Thus the most straightforward reading of our statutory obligation is to make sure that the price of any

[1] See 47 U.S.C. 271.
[2] See 47 U.S.C. 271(c)(2)(B)(ii) and 47 U.S.C. 252(d)(1).
[3] Section 252(d)(1) states that in relevant part, that "[d]eterminations by a state commission of… the just and reasonable rate for network elements for purposes of [section 251(c)(3)]…shall be based on the cost…of providing the…*network element (emphasis added).*

element—and particularly any price that someone alleges is not based on cost –is actually based on cost.

In defense of its statutory interpretation, the Commission argues that because the relevant statutory provisions do not refer to the term "network element" exclusively in the singular, the Commission is not required "to perform a separate evaluation of the rate for each network element in isolation."[4] Typical statutory construction requires specific directions in a statute take precedent over any general admonitions. Contrary to such accepted principles of statutory construction, the order suggests that general language referring to the network elements (in the plural form) in sections 252 and 271 trumps the language addressing the specific pricing standard in section 252 that requires a determination on the cost of providing the network element. In my view, such interpretation runs contrary to those principles.

In addition, the decision attempts to find additional legal support for its statutory interpretation by noting that the only party that raised this legal issue on the record also takes the position that some degree of aggregation is appropriate in conducting a benchmark analysis. I fail to see how this inconsistency is relevant to the issue of whether the Commission is obligated under the Act to evaluate individually the checklist compliance of UNE TELRIC rates on an element-by-element basis.[5]

Finally, in circumstances where a party challenges the pricing of an individual element within an aggregated rate benchmark containing several elements, I do not believe that it would be overly burdensome for the Commission to review the compliance of those elements on an individual basis.

In my view, Section 252(d)(1) sets forth the pricing standard used for determining TELRIC compliance in Section 271 applications. That standard explicitly requires that we examine UNE rates by each individual "network element." I believe we should not ignore such an explicit Congressional mandate.

For these reasons, I concur in this Order.

[4] Section 271(c)(2)(B)(ii) requires that the Commission determine whether an applicant is providing "[n]ondiscriminatory access to network elements in accordance with the requirements of ..." the pricing standard enunciated in section 252(d)(1).

[5] Despite references in the decision to the Commission's long-standing practice of benchmarking and statements regarding rationale provided in prior orders to support the Commission's statutory interpretation - - this is the first time that the Commission has addressed whether it has the authority, under 252(d)(1) and 271, to permit rate benchmarking of nonloop prices in the aggregate rather than on an individual element-by-element basis.